United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, NOVEMBER 24, 2004 *No. 136*

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 24, 2004.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Gracious Creator of all good gifts and Father of us all, as we Americans prepare now to be with family and friends around a table tomorrow to give You thanks for our many blessings, protect all who are traveling. Grant them safe passage, and may peace await all in every household.

Grant a special blessing of Your loving presence to all those who are away from home this Thanksgiving Day, especially the women and men who serve in our military forces and those first responders in time of emergency. May their families who feel their absence this holiday be comforted by knowing Your faithful protection and loving care.

America expresses gratitude to You, O Lord, for all those who serve this Nation in public service and in the cause of freedom and peace in the world.

Thanksgiving, praise and glory be Yours, O Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

H. Con. Res. 528. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed bills and a joint resolution of the following titles in which concurrence of the House is requested:

S. 423. An act to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 2488. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 2635. An act to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2866. An act to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

S. 3021. An act to provide for the protection of intellectual property rights and other purposes.

S. 3027. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

S. 3028. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

S.J. Res. 42. Joint Resolution to make a correction in the Conference Report to accompany H.R. 4818.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2004 at 6:00 p.m.

That the Senate passed without amendment H.R. 4302.

With best wishes, I am Sincerely,

JEFF TRANDAHL,
Clerk of the House

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2004 at 8:45 p.m.:

That the Senate passed without amendment H.J. Res. 114.

With best wishes, I am Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Saturday, November 20, 2004:

H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998;

H.J. Res. 114, making further continuing appropriations for the fiscal year 2005, and for other purposes.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY AND ON WEDNESDAY, DECEMBER 8, 2004

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on today and on Wednesday, December 8, 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and include extraneous material on H.J. Res. 115, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. OBEY. Mr. Speaker, reserving the right to object, I think before we move forward on this, it is necessary to clarify a few things and ask a few questions.

We are here because a provision was included in the omnibus appropriation bill that allows the chairmen of the Committee on Appropriations or their agents access to IRS facilities and tax return information that may be housed within those facilities without apparently adequate protection for the privacy of taxpayers. Most Members did not know this language had been included. So far as I know, I have yet to meet a single Member who knew it. Certainly I did not know the language had been included.

This is a serious problem, and it raises the question, why did it happen. It seems to me there are three reasons for that.

First, there was obviously not enough time to review the bill. This bill spends over $380 billion of taxpayer money. It is over 3,000 pages long. The IRS provision is six lines in the middle of it all. It was not filed until 1 a.m. on Saturday morning. Unless they have come down today, there is still no official GPO print of the document. It was not available in useful electronic form until Tuesday.

Despite the fact that this issue was briefly discussed on the House floor in a relatively obscure way during the colloquy between the gentleman from Florida (Chairman YOUNG) and the gentleman from California (Chairman THOMAS), it was only thanks to the review of the legislative language by Senator CONRAD's staff that we discovered the problem. That alone suggests Members should have had more time to review the bill.

Second, the pressure from the majority party leadership to complete action and adjourn was overriding. To meet the timetable of that leadership, staff worked all night for several days in a row in an effort to finalize the omnibus bill as quickly as possible; and as a result, corners were cut.

Third, this provision is not the only problem with the omnibus. There are important policy issues that were placed in this bill that were never voted on in either Chamber. Some of them are reasonable and some of them most certainly are not.

There are also a number of other important provisions that were dropped at the insistence of the Republican leadership, even though they had been supported by majorities in both Houses. In neither case were Members of the House given sufficient time to become aware of them or to fully understand their significance.

I include the following examples for the RECORD.

Some examples of problematic provisions added include:

Limits on judicial review of timber sales in Alaska;

Removal of the wilderness designation for areas of Georgia;

Extension of grazing permits without legally required environmental reviews;

Allowing use of wilderness in ways that are banned under current law [other examples to follow].

Some examples of items that were dropped include:

Language related to contracting out;

The bipartisan Chabot/Andrews amendment would have prohibited road building in the Tongas National Forest in Alaska to support non-economically viable timber sales;

The provisions that would ease the economic embargo and travel restrictions on Cuba;

The Sanders cash-balance pension plan amendment that would have protected American workers who are covered under traditional pension plans from unfair conversions to cash-balance plans; and,

The MILC reauthorization.

Mr. Speaker, in addition to these examples, I think it is important to understand that there were still other problems with this legislation. The full policy impact of funding cuts, for instance, were obscured by the manner in which the across-the-board cut effectively hid the real funding levels for a number of key programs.

For all of those reasons, that is why I said during floor debate the following: ''As the press finds out more and more about what the impact is on various programs, I think the Congress is going to wish that we spent considerably more time dealing with this in a rational manner.''

Now, some of those problems could be avoided if the House adhered to rules that are meant to give Members time to review legislation before they vote on it. But the majority leadership has almost routinely set aside those safeguards. I agree with Senator CONRAD's statement yesterday, echoed by comments yesterday and today by the gentlewoman from California (Ms. PELOSI), that that must change.

But in the final analysis, an even more important reason for this fiasco is the way the House majority party leadership has systematically sought to minimize accountability for their decisions by hiding those decisions until after the election. From day one the majority party leadership ran this House in a way that guaranteed that appropriation decisions would be hidden from the public until after the election.

Congressional Quarterly wrote this 2 days ago: ''Appropriation bills are the only measures that are traditionally open to free-wheeling amendments in both Chambers. But in the Senate this

year, seven of the 13 measures were never put to a minute of floor debate.''

Continuing to quote CQ: ''That may have limited the right of Senators to try to change the legislation, but it was of great benefit to the majority leader, who did not have to tie up the Chamber for most of June and July allowing Senators to offer amendments, and it was further evidence that the GOP leadership had every intention all year long of compressing most appropriations into one bill.'' So says CQ.

Now, why did they do that? Because the Republican leadership knew that they could not sell the appropriations bills to moderates in their own caucus in the other body before the election.

Congressional Quarterly pointed out: ''In the omnibus Senate VA appropriations subcommittee, Chairman BOND had to slash $3 billion from the VA-HUD bill that advanced unanimously earlier through the Appropriations Committee in September. Senator SPECTER likewise had to use budgetary legerdemain to make his bill more politically attractive until it was rolled into the omnibus and pared back. 'The amount we have been given was not adequate,' BOND said.''

Mr. Speaker, to avoid these controversies, these bills were packaged together. The main reason for this problem is political, not procedural. Staffers are being blamed; but as a practical matter, staffers were forced to produce legislation under impossible circumstances. The majority staff presented language that had not been properly vetted. The minority staff did not catch the fact that the majority had inadvertently dropped language that would have protected the privacy of American taxpayers.

As a result, the Congress has egg on its face, the majority is disgraced, the Committee on Appropriations' ability to conduct oversight still has not been addressed because legislative language will be dropped rather than fixed, nobody wins, and the Nation has less confidence in the competence and honesty of its institutions.

One measure of how badly this institution is suffering is the level of distrust and suspicion that now permeates both Chambers. It has become hard for some to believe what I want to believe, that this was an unintended mistake that resulted from lack of time for Members to meet their responsibilities and lack of sleep on the part of the staff that had been pushed to the point of exhaustion.

I have been told, for instance, that two members of the appropriations staff actually fainted during a readout of the energy and water bill because they had been up for more than 2 days in a row without sleep. That would not have happened if the House and Senate had passed its bills under the regular order and conferenced them one by one with no ''doomsday'' deadline.

It is one thing for Congress to wind up putting numerous appropriation bills into a broad-based omnibus bill because legitimate controversies have delayed the compromises necessary to pass those bills. It is quite another thing to produce this kind of end-of-session chaos by design.

This should be a wake-up call to the majority party leadership to change practices and procedures to prevent this type of credibility and accountability problem in the future. Most of all, it is a wake-up call to reestablish trust, by recognizing that adherence to normal rules and respect for the rights of the minority do not just protect the minority, but the majority as well.

□ 1415

If Dick Bolling, the legendary former chairman of the Committee on Rules, were around today, he would say, ''Let's stop the bitching and get about the fixing.'' That is exactly what we ought to do. But the problem is that in the old days, we actually used to have conferences. Every member of every subcommittee used to meet with members of the other body in conference and they would thrash out the differences. As a result, Members took pride in the fact that they all knew what was in the bill, even if the other body largely relied on staff. Today that difference is gone. Today it is apparent that even people who are in charge of producing the bill are not fully aware of what is in it because of the rush and because of the lack of an orderly procedure.

We need to go back to the time when we were having real conferences with the other body so that we could legislate rather than simply impose policy decisions that are predetermined ahead of time in the majority leadership's office.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, we actually had quite a week last week. The 9/11 conference came back with a bipartisan solution with the two Senators and obviously the two House Members, both Democrats and Republicans agreeing; and it was not brought to the floor because even though the President and Vice President supported the legislation, at the same time the Joint Chiefs of Staff said he was against it. We do not know why it did not come up, but hopefully we get some action on this.

Secondly, the Republican conference had a meeting, and they reversed 11 years of a rule that now will allow an indicted felon who is in the leadership to continue on in the leadership and not have to step aside until the matter is resolved.

Lastly, obviously, by having a bill come up, $388 billion, over 3,000 pages, and having language that basically will allow any staffer that is assigned by the chairman of the Committee on Appropriations to look at anyone's tax return. Let me tell Members what this really is all about. Talking about a tax return, if in fact that law went into place, and in spite of the little colloquy the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. THOMAS) had, that was irrelevant because the language of the law speaks for itself. This would have been in the law if not for the fact that Mr. CONRAD caught it.

That would allow a staffer to go to the IRS in an open meeting and ask for a specific return from any individual in this room or anywhere else and open up that return, display it, give it to the national newspapers, do whatever that person wanted with it and not suffer any consequences.

The reason we actually had to tighten the law was because in the 1970s when Watergate occurred, when we had the enemies list, when we had the plumbers and all of those things going on, the wiretaps, people were allowed to go to the Internal Revenue Service and ask for returns of individual members. It was not until the mid-1970s when we tightened it up.

Perhaps members of the Committee on Ways and Means, or their designees, particularly the chairman of the committee, can in fact obtain tax returns of companies, corporations, and obviously individuals. But before that happens, one has to have an executive session so it has to be properly noticed. Executive session, as my colleagues know, is a closed session. If any of the information in those documents should be released to the press or to the public or to anyone else, it is a felony offense with up to 5 years in prison, $5,000 fine, and other sanctions. That was as a direct result of Watergate.

Here now in the dark of night without any notice a provision was slipped into this bill, a $388 billion bill, to basically allow staffers to look at anyone's return without any criminal sanctions.

I have to say, I know there is a discussion about what happened, why it happened and what was the purpose of it; but what is really troubling to me, I do not believe an IRS agent or one of the IRS employees wrote this provision. Had they been asked to write the provision, they would have based it upon how the Committee on Ways and Means would obtain that information. They would not have written it so broadly. One of the most important things an IRS employee will tell you is they protect tax returns of individuals, companies, and nonprofit corporations. So there was more to this.

I have to say in conclusion here, the real problem I see is the fact that as long as we are not given notice, as the gentleman from Wisconsin (Mr. OBEY) says, as long as there is not a give and take, this problem is going to come up more and more. We ought to be happy that the other body saved us from a massive embarrassment, because the reality is had this become law, there would have been some time over the next few years when someone would have abused that process and someone's returns would have been disclosed to the press.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia). Is there objection to the request of the gentleman from Virginia?

Mr. HOYER. Reserving the right to object, Mr. Speaker, I want to say that this was not unanticipated. I rose during the consideration of the rule on Saturday and said, ''But the fear of the American people,'' referring to the bill that was to be considered pursuant to the rule that was then under consideration, ''is in the dead of the night, in the cloudiness of quick consideration that many things are included in these bills which perhaps both Houses would not have put in there, as has happened too frequently during the course of this Congress, or that either House really knows is in there.''

I said that on Saturday.

Later that day it was discovered on the floor of the Senate legislation which had been discussed in this House but the ramifications of which, the meaning of which, the effect of which was really not known. That is of great concern. The chairman of the Committee on Finance in the Senate said it was ''an outrage.'' JOHN MCCAIN said ''the process is broken.''

Mr. Speaker, nine of 13 appropriation bills were included in the pages of the legislation that is before me here on the desk. Now, this is approximately 1,500, 1,600 pages. The bill is actually between 3,300 and 3,400 because the bill has fewer words per page on it. Seventy-five percent of the bill which we considered, which included the language which has brought us here today, 75 percent of that bill had never been on the floor of the United States Senate, never considered, never debated, never open to the public's review. Seventy-five percent of the bill that was brought to this floor.

Mr. Speaker, the issue here today is not the granting of unanimous consent to ensure that the government keeps running until the 8th of December. We are all going to be for that. That is the appropriate thing for us to do. Nor is, in my opinion, the staff work. We have an extraordinarily excellent staff on the Committee on Appropriations, led by an extraordinary leader of judgment, of wise counsel, and great integrity who was forced, along with staff, to work in an incredibly telescoped fashion.

So 75 percent of the bills were never considered on the Senate floor, one of the bills never on the House or Senate floor, and one never even reported out of the Senate subcommittee. In addition to that, and some may not know this even at this point in time, there were three major authorization bills included in this bill that have never been debated on the floor in terms of their effect: the Satellite Home Extension Reauthorization Act, the Snake River Water Rights Act, and the Federal Lands Recreation Enhancement Act.

My presumption is, and I have not talked to each one of the ranking members of each committee, the Resources Committee in two of the cases, Committee on Energy and Commerce in the third, my presumption is that they agreed and therefore did not object to their inclusion.

In addition to that, we deleted provisions that were approved in the House, approved in the Senate, one affecting millions of Americans on minimum wage. This House directed the conference to keep it in by a significant majority vote. The Senate adopted it. It was dropped without really any ability to discuss it, as my ranking member on the Committee on Appropriations said, in conference.

I have been on the Committee on Appropriations not as long as the gentleman from Wisconsin (Mr. OBEY), but a significant number of years, 23 to be specific, and was used to going to conference, to sitting at the table representing the 662,000 people I represent and saying I believe that we ought to do A or B. There was no opportunity given by this procedure to do that.

Now the sad fact is that this is not an abberation. As the gentleman from Wisconsin (Mr. OBEY) pointed out, this is the way we do appropriation bills now. Last year we did not adopt the majority of the appropriation bills until the following calendar year; the year before that until the following calendar year, once in January and once in February. My goodness, it is November 24 today. We are doing it early, one could say.

But the fact of the matter is this has become the practice of this House, the practice of this House not to have conferences, not only on appropriation bills, but not to have conferences on Ways and Means and tax bills that affect millions and millions of Americans, not to have conferences even when we refer bills from the floor back to a conference. And we have found last year a bill being reported back that had never gone to that conference notwithstanding the vote of this House to send it to conference, and no conferee had an opportunity to say anything about the bill.

Mr. Speaker, the lamentable fact is we are here because of a process that is undermining this democratic institution. We are here because we are not taking the time to include all interested parties, including the American people, in the consideration of this legislation. We have closed rules, closed conferences or no conferences, conferences called without Democrats being included, dropping items approved by both Houses, and adding measures not approved by either House. This is unfortunate.

Mr. Speaker, as I said, we are not going to object to this unanimous consent. It is the appropriate request to make. The good news for the American people is, as the gentleman from California (Mr. MATSUI) has observed, it will give us an opportunity to do something that has been vetted, that has been considered, has been considered in the open with due hearings, on television, in a bipartisan fashion, reported out, and I refer of course to the 9/11 Commission report.

This report seeks to prevent another tragic attack on the United States of America and the loss of 3,000 souls within hours, within minutes. This report was unanimously adopted. This report was passed overwhelmingly by the other body with less than four people opposing it, and it came to a conference, essentially, a meeting: the gentleman from New Jersey (Mr. MENENDEZ) on our side, a number on the other side of the aisle. The Senate came together. Senator LIEBERMAN and Senator COLLINS came together and agreed and were overwhelmingly supported by their Senate colleagues. They said we have a bipartisan agreement to make America safer.

□ 1430

Governor Kean and our distinguished former colleague, Lee Hamilton, said we must act now. They said that in July.

Mr. Speaker, we have not acted. But as a result of what we do today, we will come back to this House on the 6th or 7th of December with an obligation to act on the omnibus appropriation bill, but it will give us an opportunity to do the right thing and pass the 9/11 Commission report which is overwhelmingly supported.

I will tell my friends in this body, I was somewhat dismayed at the Speaker's spokesman when he said that what good was it to pass a bill that the majority of the conference did not support. I will tell my friends in this House, without fear of contradiction, not one, and I invite anybody to come to the floor to contradict me, if the 9/11 Commission report is put on this floor as reported out of the Senate and as agreed to in the conference committee on this bill, it will be passed overwhelmingly in this House.

And I will say to my friend, the spokesman for the Speaker, the good is that the American people will be well served, whether or not a majority of your conference agrees. That is the good. That is why we are here. That ought to be our focus. And because of this happenstance, this mistake, this rightfully-to-be-reconsidered provision that was put in the bill without due consideration, or, if given due consideration, inartfully drawn by someone not in this body, then we will be advantaged because we will have an opportunity to respond to the American public's concern and the unanimous recommendations of the 9/11 Commission and to the support of the President of the United States who asked this to pass.

Now, Mr. Rumsfeld, our Secretary of Defense, says he is supportive of the President's view that it ought to pass. Now, if we have the President, we have the Secretary of Defense, we have the overwhelming majority, I do not know of anybody on our side of the aisle who

is going to oppose it. Maybe there are some. And I am sure that there are certainly sufficient Members on your side of the aisle to ensure 218 votes to pass such a unanimously and supported recommendation to make America safer.

Mr. Speaker, I yield to my friend from Wisconsin under my reservation.

Mr. OBEY. I thank the gentleman for yielding. I will be very brief. I would just like to make one point. A fair amount has been written about how the responsibility for this mistake lies with congressional staff. I want to simply make the point that the staff was ordered to produce an appropriation bill by a certain deadline. And so they performed in an astoundingly enervating way in trying to meet the deadlines that they were ordered to meet and they worked to the point of exhaustion. And when people do that, there are going to be mistakes made.

The reason we have rules is because it enables not just the minority but the majority as well to catch mistakes and correct them before they embarrass the institution and do damage to our system. The way to avoid mistakes like this is to prevent hundreds of pages of appropriations from coming to the floor without ever having been considered in both bodies. The way to avoid problems like this in the future is to see to it that the necessary political compromises are made at the beginning of the process in the budget resolution so that you do not have such an unrealistic set of marching orders to the Appropriations Committee that the leadership is forced to conclude that they cannot get the votes from their own troops in the other body until after they are safely past the election.

So a little less rigidity, a little less ideological zeal, a little more willingness to compromise, and a little more recognition that every Member of this body has a right to do his or her job and they can best do it when they are given the time to do it. That will mean that in the end we remake this body into what it is supposed to be, which is 435 people who are legitimate representatives of their constituents, rather than rubber stamps for whatever the leadership front office wants them to vote for on a particular day.

Mr. HOYER. Reclaiming my time under my reservation, I thank the gentleman for his comments and would join him in reiterating the fact that the fault lies not in the staff. The fault lies not in the objective in this particular provision that was trying to be attained. It was that a significant, very harmful mistake was made. Whoever made it made it, as the gentleman from Wisconsin has pointed out, in the press of a process which did not give time for reflection, so that, having been caught at a time when we did not then have time to correct it because the rush to judgment was in place, we now have taken that time, and I think that is a good thing. I appreciate the staffs helping us get to that point on both sides of the aisle.

I want to say, secondly, that our Founding Fathers set up a process, Mr. Speaker, that was not as efficient as authoritarian regimes claim to be. If you have the votes and you can jam something through, so be it; but our Founding Fathers, Mr. Speaker, wanted a reflective process, a process where there was full and fair consideration in both Houses, because their concern was that democracy would work if everybody had the opportunity to see it and to participate in it.

This process of thousands of pages of bills being passed within hours under a martial-law rule did not allow that process to occur, and the result was inevitable, that things would be passed unknown to this body, unknown to the American public and of great concern to them which would not have enjoyed a majority of support in this House or the Senate if they had been fully aired.

Hopefully, this will be an object lesson which will lead us to a process more open, more open to minority views, with time given to staff and Members to digest, to reflect, and to make wise judgments.

Mr. YOUNG of Florida. Mr. Speaker, I regret that some have misinterpreted section 222 in the omnibus bill. The administration had requested an unprecedented increase to hire additional staff for the IRS's processing and enforcement activities. Because of this more than $500 million increase in funds, the subcommittee felt it necessary to conduct proper oversight. The provision was simply an attempt to exercise our constitutional stewardship of the IRS's budget request, with no intention to review or investigate individual tax returns. This intent was clearly communicated in a colloquy with the chairman of Ways and Means Committee during Saturday's floor debate.

In order to allow oversight of these funds without infringing upon individual's privacy, the subcommittee requested that IRS draft the language. Two days prior to the bill being considered by the House, 17 staff members from the House and the Senate, Republicans and Democrats, read through every word of the subcommittee's bill and report. Clearly, there was never any desire to access personal information and it's unfortunate that some have misrepresented and exaggerated the purpose of this language. Nevertheless, I support the removal of the provision to end the confusion surrounding the issue.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 115

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–309 is further amended by striking the date specified in section 107(c) and inserting the following: ''December 8, 2004''.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendment to House Concurrent Resolution 529 with the amendment that I have placed at the desk.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

On page 1, line 2, strike from ''That'' through the end of page 2, line 9 and insert in lieu thereof the following:

when the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment:

On page 1, line 2, before ''on a motion'' insert ''or on Saturday, November 27, 2004,''.

On page 1, line 8, strike ''Wednesday, November 24'' and insert in lieu thereof ''Saturday, November 27''.

The SPEAKER pro tempore. Without objection, the House amendment to the Senate amendment is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO SATURDAY, NOVEMBER 27, 2004

Mr. WOLF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3184

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3184, the Streamlined Sales and

Use Tax Act. My name was added in error.

The SPEAKER pro tempore (Mr. WOLF). Is there objection to the request of the gentleman from Virginia?

There was no objection.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, NOVEMBER 19, 2004, AT PAGE H10071

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and November 20 on account of business in the district.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2866. An act to amend the Farm Security and Rural Investment At of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; to the Committee on Agriculture.

S. 3028. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied; to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United State Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

ADJOURNMENT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 2 o'clock and 41 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11224. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

11225. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, as expanded in scope in Executive Order 13315 of August 28, 2003; to the Committee on International Relations.

11226. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Contributions by Employers to Accident and Health Plans [Notice 2004-79] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11227. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Expedited Determination Procedures for Provider Service Terminations [CMS-4004-FC] (RIN: 0938-AL67) received November 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on November 22, 2004]

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than December 10, 2004.

H.R. 2971. Referral to the Committees on Financial Services, Energy and Commerce, and the Judiciary extended for a period ending not later than December 10, 2004.

H.R. 3143. Referral to the Committees on Financial Services and International Relations extended for a period ending not later than December 10, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than December 10, 2004.

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 10, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than December 10, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than December 10, 2004.

H.R. 2440. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than December 10, 2004.

H.R. 2801. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 10, 2004.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than December 10, 2004.

[Submitted November 24, 2004]

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5422. A bill to support the Boy Scouts of America and the Girl Scouts of the United

States of America; to the Committee on Government Reform.

By Mr. WOLF:

H.J. Res. 115. A joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes; to the Committee on Appropriations. Considered and passed.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SMITH of New Jersey introduced a bill (H.R. 5423) for the relief of Rosario Amato and Salvatore Amato; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1117: Mr. MANZULLO.
H.R. 2959: Mr. DAVIS of Alabama.
H.R. 3619: Mr. MCINTYRE.
H.R. 4897: Mr. ANDREWS.
H.R. 4900: Mr. BLUMENAUER.
H.R. 5193: Mr. GARRETT of New Jersey.
H.R. 5292: Mr. EVANS.
H.R. 5410: Mr. SANDERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3184: Mr. TOM DAVIS of Virginia.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, NOVEMBER 24, 2004 *No. 136*

Senate

The Senate met at 5 p.m. and was called to order by the Honorable DON NICKLES, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Wondrous sovereign God, giver of every good and perfect gift, in this Thanksgiving season we express gratitude for Your many blessings. Thank You for military people in harm's way who sacrifice to keep us free. Be with their families during this season of gratitude. Thank You for emergency personnel who will work this Thanksgiving to keep America safe. Bless them with Your peace. Give prayerful mercies to the many who will journey to see loved ones.

In these challenging times, Lord, rule our world by Your wise providence. Sustain our Senators, enabling them to leave a legacy of excellence. As you remind them of Your precepts, guide them with righteousness and integrity. You are our help and our shield, and we wait in hope for You. Amen

PLEDGE OF ALLEGIANCE

The Honorable DON NICKLES led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 24, 2004.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DON NICKLES a Senator from the State of Oklahoma, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. NICKLES thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the occupant of the chair.

SCHEDULE

Mr. MCCONNELL. Mr. President, Senator REID and I did not expect to be back so soon, but we are here again for a very brief session. We convene to consider two housekeeping matters that have been received from the House. The House has not yet acted on the concurrent resolution which will correct the enrollment of the consolidated or Omnibus appropriations measure. Without that House action we will be unable to transmit the conference report to the House so that they may then transmit the bill to the President. Therefore, we are here today to pass a short-term continuing resolution which is at the desk.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

Mr. MCCONNELL. Having said that, I now ask consent that the Senate proceed to the consideration of House Joint Resolution 115 which is at the desk; provided further that the joint resolution be read three times and passed, that the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The joint resolution (H.J. Res. 115) was read the third time and passed.

CONDITIONAL RECESS OR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the House message accompanying the adjournment resolution.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

H. CON. RES. 529

Resolved, That the House agree to the amendment of the Senate to the resolution (H. Con. Res. 529) entitled ''Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate'', with the following House amendments to Senate amendment:

(1) On page 1, line 2, before ''on a motion'' insert ''or on Saturday, November 27, 2004,''.

(2) On page 1, line 8, strike ''Wednesday, November 24'' and insert in lieu thereof ''Saturday, November 27''.

Mr. MCCONNELL. I further ask the Senate concur in the amendments of the House.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AMENDING THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. MCCONNELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 659, H.R. 4012.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 4080 AND 4081

Mr. MCCONNELL. I ask unanimous consent the amendments at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4080

(Purpose: To reduce extension to 2 years)

In section 1(a) strike ''10 succeeding'' and insert ''7 succeeding''.

In section 1(b) strike ''10 succeeding'' and insert ''7 succeeding''.

AMENDMENT NO. 4081

(Purpose: To amend the title of the bill)

Amend the title to read as follows:

''To amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.''.

The bill (H.R. 4012), as amended, was read the third time and passed.

SENATOR FRIST'S REMARKS TO FEDERALIST SOCIETY

Mr. MCCONNELL. Mr. President, I ask unanimous consent to place in the RECORD a speech delivered on November 11 by the majority leader, Senator FRIST, to the Federalist Society regarding the treatment of judicial nominations in the 108th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS AS PREPARED FOR MAJORITY LEADER BILL FRIST, MD, THE FEDERALIST SOCIETY 2004 NATIONAL CONVENTION

WARDMAN PARK MARRIOTT HOTEL, Nov. 11.—Thank you all for that warm welcome. You've succeeded at an almost impossible task: you've put a doctor at ease in a room filled with a thousand lawyers.

I take great pride in being a citizen legislator—someone who sets aside a career for a period of time to serve in public office.

Perhaps the most famous citizen legislator of modern times was Jefferson Smith. Or, as he's better known: ''Mr. Smith'' in the classic American film, ''Mr. Smith Goes to Washington.''

One of my favorite scenes in that movie is when Mr. Smith takes the oath of office. He raises his right hand. And the Senate President reads the oath.

Mr. Smith pledges: ''I do.'' Then the Senate President says with a less than subtle touch of sarcasm: ''Senator, you can talk all you want to, now.''

United States Senators do talk all they want. And, with only one Senator and the presiding officer in the chamber during many debates, you often see them talking just to themselves.

It makes me think that I'd be a lot better prepared as Majority Leader with 20 years of experience, not as a heart surgeon, but as a psychiatrist.

The right to talk—the right to unlimited debate—is a tradition as old as the Senate itself.

It's unique to the institution. It shapes the character of the institution.

It's why the United States Senate is the world's greatest deliberative body. And, as James Madison wrote in Federalist No. 63, ''History informs us of no long lived republic which had not a senate.''

From time to time Senators use the right to unlimited debate to stop a bill. A Senator takes the floor, is recognized, starts talking, and doesn't stop talking.

This brings Senate business to a halt. And it's called a filibuster.

Senators have used the filibuster throughout much of Senate history. The first was launched in 1841 to block a banking bill. Civil rights legislation was filibustered throughout the 1950s and 60s.

The flamboyant Huey Long once took the floor and filibustered for over 15 hours straight.

When Senator Long suggested that his colleagues—many of whom were dozing off—be forced to listen to his speech, the presiding officer replied, ''That would be unusual cruelty under the Bill of Rights.''

The current Minority has not hesitated to use the filibuster to bring Senate business to a halt in the current Congress.

I have grave concerns, however, about one particular and unprecedented use of the filibuster.

I know it concerns you, as well. And it should concern every American who values our institutions and our constitutional system of government.

Tonight I want to share with you my thoughts about the filibuster of judicial nominees: it is radical; it is dangerous; and it must be overcome.

The Senate must be allowed to confirm judges who fairly, justly and independently interpret the law.

The current Minority has filibustered 10—and threatened to filibuster another 6—nominees to federal appeals courts.

This is unprecedented in over 200 years of Senate history.

Never before has a Minority blocked a judicial nominee that has majority support for an up-or-down vote on the Senate floor.

Never.

Now the Minority says the filibuster is their only choice, because the Majority controls both the White House and the Senate. But that fails the test of history.

The same party controlled the White House and the Senate for 70 percent of the 20th Century. No Minority filibustered judicial nominees then.

Howard Baker's Republican Minority didn't filibuster Democrat Jimmy Carter's nominees.

Robert Byrd's Democrat Minority didn't filibuster Republican Ronald Reagan's nominees.

Bob Dole's Republican Minority didn't filibuster Democrat Bill Clinton's nominees.

Now there's nothing specific in the formal Rules of the Senate that restrained those Minorities from filibustering. They simply used self-restraint.

Those Senators didn't filibuster, because it wasn't something Senators did.

They understood the Senate's role in the appointments process. And they heeded the intent and deferred to the greater wisdom of the Framers of the Constitution.

Then came the 108th Congress.

Majority control of the Senate switched hands. And one month later—in February 2003—the Minority radically broke with tradition and precedent and launched the first-ever filibuster of a judicial nominee who had majority support.

That nominee was Miguel Estrada—a member of this society.

You know first-hand that Miguel Estrada is an extraordinary human being.

He's an inspiration to all Americans and all people who aspire to one day live the American dream.

Miguel Estrada immigrated to the United States from Honduras as a teenager. He spoke little English.

But with a strong heart and a brilliant mind, he worked his way up to the highest levels of the legal profession.

He graduated magna cum laude and Phi Beta Kappa from Columbia College in New York. He earned his J.D. from Harvard Law School—where he served as editor of the Harvard Law Review.

He clerked in the Second Circuit Court of Appeals and for Supreme Court Justice Anthony Kennedy. He worked as a Deputy Chief U.S. Attorney and as an Assistant to the Solicitor General of the United States.

Miguel Estrada would have been a superb addition to the D.C. Circuit court. He's considered to be among the best of the best legal minds in America.

The American Bar Association gave him their highest rating.

But after two years, more than 100 hours of debate, and a record 7 attempts to move to an up-or-down vote, Miguel Estrada withdrew his name from consideration.

A sad chapter in the Senate's history came to a close. But, unfortunately, it was just the beginning.

The Minority extended its obstruction to Priscilla Owen, Carolyn Kuhl, William Pryor,

Charles Pickering, Janice Rogers Brown, Bill Myers, Henry Saad, Richard Griffin and David McKeague.

With the filibuster of Miguel Estrada, the subsequent filibuster of 9 other judicial nominees, and the threat of 6 more filibusters, the Minority has abandoned over 200 years of Senate tradition and precedent.

This radical action presents a serious challenge to the Senate as an institution and the principle so essential to our general liberty—the separation of powers.

It would be easy to attribute the Minority's actions to mere partisanship. But there is much more at work.

The Minority seeks nothing less than to realign the relationship between our three branches of government.

The Minority has not been satisfied with simply voting against the nominees—which is their right. They want to require a supermajority of 60 votes for confirmation.

This would establish a new threshold that would defy the clear intent of the Framers.

After much debate and compromise, the Framers concluded that the President should have the power to appoint. And the Senate should confirm or reject appointments by a simple majority vote.

This is ''advice and consent.'' And it's an essential check in the appointment process.

But the Minority's filibuster prevents the Senate from giving ''advice and consent.'' They deny the Senate the right to carry out its Constitutional duty.

This diminishes the role of the Senate as envisioned by the Framers. It silences the American people and the voices of their elected representatives.

And that is wrong.

This filibuster is nothing less than a formula for tyranny by the minority.

The President would have to make appointments that not just win a majority vote, but also pass the litmus tests of an obstructionist minority.

If this is allowed to stand, the Minority will have effectively seized from the President the power to appoint judges.

Never mind the Constitution.

Never mind the separation of powers.

Never mind the most recent election—in which the American people agreed that obstruction must end.

The Senate cannot allow the filibuster of circuit court nominees to continue. Nor can we allow the filibuster to extend to potential Supreme Court nominees.

Senators must be able to debate the merits of nominees on the floor and have the opportunity to publicly and permanently record a yes or no vote.

We must leave this obstruction behind. And we can—as an aberration in Senate history and a relic of a closely divided body during a challenging time for America.

The American people have re-elected a President and significantly expanded the Senate majority.

It would be wrong to allow a Minority to defy the will of a clear and decisive Majority that supports a judicial nominee.

And it would be wrong to allow a Senate Minority to erode the traditions of our body and undermine the separation of powers.

To tolerate continued filibusters would be to accept obstruction and harden the destructive precedents established in the current Congress.

With its judicial filibusters, the Minority has taken radical action. Now the damage must be undone.

American government must be allowed to function. And America must be allowed to move forward.

Senate rules and procedures have been shaped and molded throughout the body's history.

They're not set in stone. They can be changed to fit the governing climate, to respond to emerging challenges, and to restore vital constitutional traditions.

So when it became clear that the Minority was intent on abusing the filibuster in this Congress, we proposed to reform the rules.

In May 2003, Senator Zell Miller and I—joined by every member of the Majority leadership—proposed a new way to end debate and move to an up-or-down vote on nominations over a reasonable period of time.

A first attempt would require 60 votes, the next 57, the next 54, then 51, and finally we could end debate by a simple majority.

The Frist-Miller resolution went to the Rules Committee. Senator Lott chaired a hearing and the committee approved it in June.

For the remainder of 2003 and all of this year, Frist-Miller has sat on the Senate calendar—facing a certain filibuster by those who want to continue to filibuster judges.

The Frist-Miller reforms would be a civil, constructive and cooperative way to end the filibuster of judicial nominees.

The Senate now faces a choice: either we accept a new and destructive practice, or we act to restore constitutional balance.

We are the stewards of rich Senate traditions and constitutional principles that must be respected. We are the leaders elected by the American people to move this country forward.

As my colleague, Senator Feinstein said, ''A nominee is entitled to a vote. Vote them up; vote them down. . . . If we don't like them, we can vote against them. That is the honest thing to do.''

I fervently believe in the principles of the American Founding.

And I know you do too. Because I serve and work closely with 4 members of this society: Mitch McConnell, John Kyl, Jeff Sessions and Orrin Hatch.

Let me say this about these Senators: there are no more passionate defenders of America's founding principles anywhere in our government. They are true patriots.

They know that the principles enshrined in our Constitution have guided a miraculous experiment that has matured into the most stable form of government in human history.

And if we truly desire lasting solutions to the challenges of the 21st century, those same principles must guide us today and in the future.

The filibuster of judicial nominees is about Senate tradition. It's about the separation of powers. It's about our constitutional system of government.

But, at the most fundamental level, this filibuster is about our legacy as the leaders of the greatest people and nation on the face of the Earth.

What will we accomplish over the next four years? What will we do with the time and the trust that the American people have so generously given us?

One way or another, the filibuster of judicial nominees must end. The Senate must do what is good, what is right, what is reasonable, and what is honorable.

The Senate must do its duty.

And, when we do, we will preserve and vindicate America's founding principles for our time and for generations to come.

ADDITIONAL STATEMENTS

TAX RETURN PRIVACY

● Mr. CONRAD. On Saturday, November 20, 2004, the American taxpayers dodged a bullet. The Congress came close, much too close, to passing legislation that would have stripped every American of their right to privacy with regard to their tax returns.

The Senate averted this dangerous step, in part, because members of my staff—and one staffer in particular—came in to work on Saturday and read through more than 3,646 pages of a bill and its explanatory text.

As my colleagues know, we were called to the Chamber on Saturday to debate and vote on the conference report on H.R. 4818, the Omnibus appropriations bill. This so-called ''catch-all spending'' package included nine different appropriations bills costing some $388 billion for fiscal year 2005.

Many Members of Congress were familiar with some elements of the individual appropriations bills, including funding levels for programs and projects important to our States. But few, if any, Members were able to carefully analyze the bill in its entirety. Because the bill was delivered to each Senator and House Member at 6 a.m., we did not have much time to review the massive bill before we were asked to vote on it.

When the bill arrived I asked members of my staff to pore over the bill, each tasked with finding and reviewing sections of the bill where they have policy expertise. It was during this effort to review the bill that one of my staff members discovered an egregious tax provision. Steve Bailey, my tax counsel on the Senate Budget Committee, reading the Transportation-Treasury section of the bill, spotted section 222 and immediately realized it was a huge problem. The paragraph read:

Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein.

Mr. Bailey, who has worked on tax issues for more than 20 years, knew that if enacted, the provision would endanger the right and expectation of every American. This provision held the very real promise that the privacy of their tax returns could be compromised.

Thanks to Mr. Bailey's close reading of the bill and his quick recognition of the negative implications of that 60-word paragraph, I was able to bring the paragraph's existence to the attention of my colleagues. Fortunately, the Senate then firmly and unanimously rejected the paragraph and demanded that the House of Representatives remove the offending language before the bill could be sent to the President's desk for his signature.

At the conclusion of my remarks, I would like to have printed in the RECORD at the conclusion of my remarks an editorial from today's New York Times, ''Snookering the Taxpayers.'' This editorial mentions ''a sharp-eyed Democratic staff member [who] spotted the terse paragraph sitting like a toxic clam in the muck of the omnibus spending bill. . . .'' This editorial concludes with a clear understatement, ''Taxpayers can only hope someone keeps reading.''

Well, I can assure my constituents in North Dakota that my staff and I will keep on reading. But I also hope this experience will lead to a new method of doing business next year. The Senate should never again tolerate a process by which we are given a 3,600-page bill and are then asked to vote upon that bill several hours later. As my colleague from Arizona, Senator JOHN MCCAIN, has noted, this process is broken and it must change. I will be working with my colleagues to accomplish that goal next year.

I wanted to take this opportunity to recognize and thank Mr. Steve Bailey for his outstanding work and service to me and to the Senate. This past week, his hard work made a big difference to millions of American taxpayers.

The editorial follows.

[From the New York Times, Nov. 24, 2004]

SNOOKERING THE TAXPAYERS

It is called a snooker clause in legislative parlance—a last-minute insert into a dense and hurried midnight bill that, if ever disclosed after passage, always leaves legislators shocked, shocked at how such an undemocratic bit of mischief ever came to be. ''No earthly idea how that got in there,'' said Bill Frist, the Senate majority leader, after the impenetrable, 14-inch-thick omnibus budget bill turned out to have a provision giving Congressional chairmen and staff members entree to Americans' tax returns without regard to privacy protections.

This has been a sacrosanct area ever since the Watergate scandals. Severe civil and criminal penalties were enacted after the Nixon administration's rifling of private tax returns to build the ''enemies list'' aimed at government harassment.

A sharp-eyed Democratic staff member spotted the terse paragraph sitting like a toxic clam in the muck of the omnibus spending bill, a 3,000-page disgrace in its own right that capped months of Capitol procrastination. Once the provision was found, everyone felt compelled to denounce it. Senator Charles Grassley, the Iowa Republican, growled that it summoned ''the dark days in our history when taxpayer information was used against political enemies.'' The Senate declared the clause void, forcing G.O.P. leaders in the House, where the gambit originated, to sheepishly follow suit. House leaders insisted there was never an intent to pry into taxpayers' lives. The goal, they said, was simply to establish better oversight of the tax collection bureaucracy. Really? Then how come anyone bothering to read the bill (and that did not include many members of Congress) could see what an outrageous license it provided for the appropriations committees to look into tax offices ''and any tax returns or return information contained therein.''

Embarrassed solons had to admit they had no idea what other dangerous items might be in the bill. Taxpayers can only hope someone keeps reading.●

IDEA

● Mr. HARKIN. Mr. President, I wish to thank my colleagues, Chairman GREGG and Senator KENNEDY, as well as Chairman BOEHNER and Representative MILLER, for conducting a truly bipartisan conference. When the legislative process is working properly, we have a fair negotiation, and more often than not, that produces a better bill. Not a bill that gives each of us everything we wanted, but a fair result given the two bills that we are charged with reconciling. And that is what we have here.

Last week, Washington Post's internet site ran a cartoon by Ted Rall that was one of the most egregious things I have ever seen. I don't know if many of you saw it, but it showed a student in a wheelchair with crossed eyes and drool coming from his mouth. He had joined a class of students without disabilities and here is what one of the panels of the cartoon read: ''The special needs kids make people uncomfortable and slow the pace of learning.'' The cartoon showed the class changing from higher level math to simple addition because of the special education student.

The cartoon was supposed to be some kind of analogy to the United States, but it was very hard to understand the point. What was crystal clear, however, was the author's bigotry and stereotyping of children with disabilities. I understand that the Post will no longer run cartoons by Mr. Rall because cartoons like this are not funny. They are hurtful and serve as a stark reminder of why we are here and why IDEA is such important civil rights legislation.

I was here in Congress in 1975, as were some of my Senate colleagues, when IDEA was enacted. It is important to remember why we passed this legislation in the first place. We passed it because bigotry and discrimination were keeping a million children with disabilities completely out of school. Those children were locked out of an education and denied the bright future that comes with an education. IDEA opened the doors of opportunity for those children.

I have participated in many subsequent revisions to the law over the past 29 years, and I am supporting this reauthorization because we continue our proud tradition of ensuring that children with disabilities have the right to a free, appropriate public education (FAPE). In addition, we improve the enforcement of that right.

Over the years, I have been involved in the debate about disciplining students with disabilities—and this was a major issue for the conferees. I know parents were very concerned about changes to this section of the law. I appreciate and understand those concerns because I have shared them.

While this reauthorization streamlines the discipline provisions, it continues several key principles. We will continue to consider the impact of the disability on what the child is doing, and we will not punish children for behavior that is related to their disability. It is also important that we continue to require that children receive educational services when they are being disciplined so they do not fall further behind. We also continue to emphasize that an assessment and services must be provided to children who have more serious behaviors so we can prevent future discipline problems.

I believe that discipline will become less and less of an issue over time as schools implement positive behavior supports more widely. Section 614(d)(3)(B), entitled Consideration of Special Factors, was added in 1997 to provide special emphasis on certain related services, modifications, and auxiliary aides which were not being considered by IEP teams and therefore not provided. The Senate bill modified subsection 614(d)(3)(B)(i) to state that behavioral supports must be provided when the child's behavior impeded his/her education or that of others. In conference, current law was reinstated in order to make the subsection consistent with the other special consideration subsections.

By instructing the IEP team to consider the specified services, it goes without saying that the services must be provided if the IEP team finds that the services will assist the child in benefiting from his/her educational program. In the case of behavioral interventions, the section sets forth the circumstances when the services would be required.

The regulations to IDEA specify that ''if, in considering the special factors . . . the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.'' 34 C.F.R. Sec. 346(c). And IEP services must be provided to the student. See Office of Special Education Programs Letter to Osterhout, 35 IDELR 9 (2000).

There has been widespread noncompliance with this requirement. However with reauthorization's increased emphasis on monitoring and enforcement, we expect this implementation will improve. Children whose behavior is impeding them or others from learning should get the positive behavioral supports they need when the IEP team considers this issue and finds that the services are part of FAPE for that child.

In addition, we allow schools to use up to 15 percent of their funds to address behavior issues for children who have not been identified as special education students. Also, Senator CLINTON has worked to include authorization for a program that would provide funding for systemic positive behavioral supports in schools.

Research by Dr. George Sugai and others indicates that the implementation of positive behavioral supports can have a dramatic impact on disciplinary problems. Dr. Sugai testified in 2002 before the Health, Education, and Labor Committee that by shifting to schoolwide positive behavioral supports, an urban elementary school decreased its office referrals from 600 to 100. It also decreased in 1 year its days of suspension from 80 to 35. Schools can save administrators' time and resources and cut down on discipline problems by implementing these programs.

Another area that generated discussion in this reauthorization is litigation and attorneys fees. However, the facts show that there is very little litigation under IDEA. GAO examined the data and concluded that the use of ''formal dispute resolution mechanisms has been generally low relative to the number of children with disabilities,'' according to a 2003 report titled, ''Special Education: Numbers of Formal Disputes are Low and States are Using Mediation and Other Strategies to Resolve Conflicts.''

My own State of Iowa follows the general trend of very low hearings and court cases. A graduate student in Iowa did a thorough analysis of due process hearings in Iowa from 1989–2001. Since the amendments in 1997, there were three hearings in 1998; three also in 1999 and four hearings in 2000. The Department of Education informs me that this trend continues, with only three hearings in each of the past 2 years. And there are thousands of children in special education in the State of Iowa.

Given the fact that litigation is generally not a problem in IDEA, in this reauthorization we merely include a standard that is used in other civil rights contexts—it is generally referred to by the case, *Christiansburg Garment Company* vs. *Equal Employment Opportunity Commission*, 98 S.Ct. 694 (1978). Both prongs of the Christiansburg

standard (filing or pursuing litigation that is groundless or for bad faith/improper purpose) adopted today are very high standards, and prevailing defendants are rarely able to meet them. They are designed for only the most egregious cases.

Also, in deciding cases under this standard, courts have considered the party's ability to pay. This is important because Congress does not intend to impose a harsh financial penalty on parents who are merely trying to help their child get needed services and supports. So in applying this standard and deciding whether to grant defendants fees, the court must also consider the ability of the parents to pay.

A school district would be foolhardy to try to use these provisions in any but the most egregious cases. Not only would the school be wasting its own resources if it did not prevail, but it would be liable for the parents' fees defending the action.

Unlike parents who are entitled to attorney fees if they win the case, the fact that a LEA ultimately prevailed is not grounds for assessing fees against a parent or parent's attorney. As the Supreme Court concluded in Christiansburg, courts should not engage in ''post hoc reasoning by concluding that, because a plaintiff did not ultimately prevail, his action must have been unreasonable or without foundation. This kind of hindsight logic could discourage all but the most airtight claims, for seldom can a prospective plaintiff be sure of ultimate success.''

As GAO found, there has been a low incidence of litigation under IDEA. The cases that are filed are generally pursued because parents have no other choice. Congress does not intend to discourage these parents from enforcing their child's right to a free, appropriate, public education. This is merely to address the most egregious type of behavior in very rare circumstances where it might arise.

In this reauthorization, we also include a 2-year statute of limitations on claims. However, it should be noted that this limitation is not designed to have any impact on the ability of a child to receive compensatory damages for the entire period in which he or she has been deprived of services. The statute of limitations goes only to the filing of the complaint, not the crafting of remedy. This is important because it is only fair that if a school district repeatedly failed to provide services to a child, they should be required to provide compensatory services to rectify this problem and help the child achieve despite the school's failings.

Therefore, compensatory education must cover the entire period and must belatedly provide all education and related services previously denied and needed to make the child whole. Children whose parents can't afford to pay for special education and related services when school districts fail to provide FAPE should be treated the same as children whose parents can. Children whose parents have the funds can be fully reimbursed under the Supreme Courts decisions in Burlington and Florence County, subject to certain equitable considerations, and children whose parents lack the funds should not be treated differently.

I also want to discuss the monitoring and enforcement sections of this bill. I want to thank Senator KENNEDY for his leadership on this issue. Again, GAO has issued a report that has informed our deliberations around this issue. They noted that the Department of Education found violations of IDEA in 30 of the 31 States monitored. In addition, GAO found that the majority of these violations were for failure to provide actual services to children. That report, issued this year, is titled, ''Special Education: Improved Timeliness and Better Use of Enforcement Actions Could Strengthen Education's Monitoring System.''

When we passed the Americans with Disabilities Act, we said that our four national goals for people with disabilities were equality of opportunity, full participation, independent living, and economic self-sufficiency. But children with disabilities are never going to meet any of those goals if they don't get the tools they need when they are young. So if we truly want equal opportunity for individuals with disabilities, it has to start with IDEA, and with our youth, who are our future. The law must be enforced so they receive the services and supports they need to get a quality education and a brighter future.

As part of the enforcement of this law, States must ensure that local education agencies are meeting their targets to provide a free, appropriate public education. If they fail to do so, the State must take action, including prohibiting the flexible use of any of the local education agency's resources.

In addition to monitoring and enforcement, there are other improvements in this bill. I will mention one area that is near and dear to my heart because of my brother Frank, who, as many of you know, was deaf. In this bill, we add interpreter services to the list of related services, a change that is long overdue and we continue to require the Department of Education to fund captioning so deaf and hard-of-hearing individuals will have equal access to the media.

While I support the bill, I must point out, however, that I am deeply disappointed that this bill does not include mandatory full funding of IDEA. We fought for this on the floor of the Senate. Even though a majority of the Senate agreed, we did not have the needed 60 votes, and it did not become part of the Senate bill. I continue to believe that mandatory funding is required to give schools the resources they need to ensure that all children get a quality education.

This bill does, however, have specific authorized levels that will get us to full funding in 7 years. If we fail to meet these levels, I will continue to argue that Congress should provide mandatory funding to ensure we meet the commitment we made almost 30 years ago.

This is a bill about children. We all tell our children to keep their promises, to fulfill any commitments they make. Yet Congress has not kept its word to these children and their families. We have not provided the resources we said we would. We must fully fund IDEA. This is important to children, to schools, and to our communities. And it is the right thing to do.

I want to thank the staff who worked so hard on this bill. On my staff, I would like to thank Mary Giliberti, Julie Carter, Erik Fatemi, and Justin Chappell. I especially thank Senator KENNEDY's staff for their dedication to children with disabilities, including Connie Garner, Kent Mitchell, Michael Dannenberg, Roberto Rodriguez, and Jeremy Buzzell.

I would also like to thank Denzel McGuire, Annie White, Bill Lucia, and Courtney Brown on Senator GREGG's staff for their efforts to ensure a bipartisan process.

Also, thanks go to Sally Lovejoy and David Cleary with Congressman BOEHNER; Alex Nock with Congressman MILLER; Michael Yudin with Senator BINGAMAN; Carmel Martin, formerly with Senator BINGAMAN's staff; Jamie Fasteau, with Senator MURRAY's; Bethany Little, formerly with Senator MURRAY's staff; Catherine Brown, with Senator CLINTON; Justin King with Senator JEFFORDS; Rebecca Litt, with Senator MIKULSKI; Elyse Wasch, with Senator REED; Maryellen McGuire and Jim Fenton with Senator DODD; Joan Huffer, with Senator DASCHLE; Bethany Dickerson with the Democratic Policy Committee; and Erica Buehrens, with Senator EDWARDS.

Mr. President, IDEA is fundamentally a civil rights statute for children with disabilities. I have worked with my colleagues on this conference to ensure that core rights are protected and enforced.●

NAMING OF JAMES R. BROWNING FEDERAL COURTHOUSE

● Mr. BAUCUS. Mr. President, I would like to speak briefly about legislation to rename the U.S. Courthouse in San Francisco after Judge James R. Browning. This legislation cleared Congress over the weekend. It is a long overdue honor for one of the Nation's finest public servants.

I would like to thank my Senate friends and colleagues for their hard work and support, particularly Senator BOXER, who sponsored the Browning courthouse naming legislation. I would also like to recognize and thank Senator HATCH and Senator STEVENS. Their efforts were crucial in moving this legislation across the finish line in the 109th Congress.

Let me tell you about Judge James R. Browning. First, he is a great man

and a fine judge who has committed the better part of his life to promoting and improving the administration of justice. Montana is proud to call him one of their own, and I am proud to call him my friend.

Judge Browning was born in Great Falls, MT, just like another famous Montana son—former Senate Majority Leader and Ambassador to Japan, Mike Mansfield. Judge Browning grew up in the small town of Belt, MT, and married his high-school sweetheart Marie Rose from Belfry, MT. Judge Browning received his law degree from the University of Montana in 1941, graduating at the top of his class. He worked for the Antitrust Division of the Department of Justice before joining the U.S. Army where he served in Military Intelligence for 3 years, attaining the rank of first lieutenant and winning the Bronze Star.

After the war, he returned to the Justice Department, eventually rising through the ranks to become Executive Assistant to the Attorney General. In 1953, he entered private practice, leaving after 5 years to serve as the Clerk of the U.S. Supreme Court at the request of Chief Justice Earl Warren. In that position, he held the Bible during President John F. Kennedy's inauguration.

In 1961, President Kennedy named James Browning to be a Circuit Judge of the U.S. Court of Appeals for the Ninth Circuit. Judge Browning has served on that court with distinction and honor for more than 40 years, longer than any other judge in Ninth Circuit history. He was still working 6 days a week as an active federal judge when he turned 80 in 1998, and he did not take senior status until November of 2000. He has participated in nearly 1000 published appellate decisions.

Judge Browning was named chief judge of the Ninth Circuit in 1976. During his 12-year tenure as the chief judge, the Ninth Circuit expanded from 23 to 28 judges, eliminated its case backlog entirely, and reduced by half the time needed to decide appeals. He worked tirelessly to improve the administration of the courts, dramatically increasing the efficiency and productivity of the Ninth Circuit, all the while emphasizing collegiality and civility among his colleagues on the Ninth Circuit. Judge Browning's leadership and innovation sparked similar administrative reforms throughout the country.

Judge Browning is held in the highest regard by both bench and bar across California, in Montana, and within the Ninth Circuit legal community. His rich and distinguished career spans more than six decades—most of it spent in public service. We have finally recognized his long service to his country and the Ninth Circuit by renaming the U.S. Courthouse in San Francisco in his honor. It is a long way from Belt, MT, but Judge Browning never forgot his roots, and now neither will the Ninth Circuit that he helped to build.●

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

● Mr. CORNYN. Mr. President, would the chairman yield for a question?

Mr. HATCH. I would be happy to yield for a question from the distinguished Senator from Texas.

Mr. CORNYN. As the chairman knows, he and I and our other co-sponsors have worked throughout this Congress on the provisions of the Family Entertainment and Copyright Act of 2004 that we have introduced today. I just want to confirm what I believe to be our mutual understanding about the effect of certain provisions of the Family Movie Act. Title II of the Family Entertainment and Copyright Act of 2004 that we introduced today modifies slightly the Family Movie Act provisions of H.R. 4077 as passed by the House of Representatives. That bill created a new exemption in section 110(11) of the Copyright Act for skipping and muting audio and video content in motion pictures during performances that take place in the course of a private viewing in a household from an authorized copy of the motion picture. The House-passed version specifically excluded from the scope of the new copyright exemption computer programs or technologies that make changes, deletions, or additions to commercial advertisements or to network or station promotional announcements that would otherwise be displayed before, during, or after the performance of the motion picture.

My understanding is that this provision reflected a ''belt and suspenders'' approach that was adopted to quiet the concerns of some Members in the House who were concerned that a court might misread the statute to apply to ''ad-skipping'' cases. Some Senators, however, expressed concern that the inclusion of such explicit language could create unwanted inferences as to the ''ad-skipping'' issues at the heart of the recent litigation. Those issues remain unsettled, and it was never the intent of this legislation to resolve or affect those issues. In the meantime, the Copyright Office has confirmed that such a provision is unnecessary to achieve the intent of the bill, which is to avoid application of this new exemption in potential future cases involving ''ad-skipping'' devices; therefore, the Senate amendment we offer removes the unnecessary exclusionary language.

Would the chairman confirm for the Senators present his understanding of the intent and effect, or perhaps stated more appropriately, the lack of any effect, of the Senate amendment on the scope of this bill?

Mr. HATCH. My cosponsor, Senator CORNYN, raises an important point. While we removed the ''ad-skipping'' language from the statute to avoid this unnecessary controversy, you are absolutely correct that this does not in any way change the scope of the bill. The bill protects the ''making imperceptible . . . limited portions of audio or video content of a motion picture . . .'' An advertisement, under the Copyright Act, is itself a ''motion picture,'' and thus a product or service that enables the skipping of an entire advertisement, in any media, would be beyond the scope of the exemption. Moreover, the phrase ''limited portions'' is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work, such as a commercial advertisement, is made imperceptible, the new section 110(11) exemption would not apply.

The limited scope of this exemption does not, however, imply or show that such a product would be infringing. This legislation does not in any way deal with that issue. It means simply that such a product is not immunized from liability by this exemption.

Mr. CORNYN. I thank the chairman. I am pleased that we share a common understanding. If the chairman would yield for one more question about the Family Movie Act?

Mr. HATCH. Certainly.

Mr. CORNYN. This bill also differs from the House-passed version because it adds two ''savings clauses.'' As I understand it, the ''copyright'' savings clause makes clear that there should be no ''spillover effect'' from the passage of this law: that is, nothing shall be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption. The second, relating to trademark, clarifies that no inference can be drawn that a person or company who fails to qualify for the exemption from trademark infringement found in this provision is therefore liable for trademark infringement. Is that the chairman's understanding as well?

Mr. HATCH. Yes it is. Let me ask that a copy of the section-by-section analysis of the Family Movie Act as amended by the Senate be included in the RECORD. This section-by-section analysis contains a more complete analysis of the bill as proposed today in the Senate, including the limited changes made by the bill Senators LEAHY, CORNYN, BIDEN, and I offer today.

The analysis follows.

SECTION-BY-SECTION ANALYSIS OF THE FAMILY MOVIE ACT OF 2004, AMENDED AND PASSED BY THE SENATE

OVERVIEW

Title II of the Family Entertainment and Copyright Act of 2004 incorporates the House-passed provision of the Family Movie Act of 2004, with limited changes as reflected in this section-by-section analysis. As discussed herein, these changes are not intended to and do not affect the scope, effect or application of the bill.

The purpose of the Family Movie Act is to empower private individuals to use technology to skip and mute material that they find objectionable in movies, without impacting established doctrines of copyright or

trademark law or those whose business models depend upon advertising. This amendment to the law should be narrowly construed to effect its intended purpose only. The sponsors of the legislation have been careful to tailor narrowly the legislation to clearly allow specific, consumer-directed activity and not to open or decide collateral issues or to affect any other potential or actual disputes in the law.

The bill as proposed in the Senate makes clear that, under certain conditions, ''making imperceptible'' of limited portions of audio or video content of a motion picture—that is, skipping and muting limited portions of movies without adding any content—as well as the creation or provision of a computer program or other technology that enables such making imperceptible, does not violate existing copyright or trademark laws. That is true whether the movie is on prerecorded media, like a DVD, or is transmitted to the home, as through pay-per-view and ''video-on-demand'' services.

Subsection (a): Short Title

Subsection (a) sets forth the short title of the bill as the Family Movie Act of 2004.

Subsection (b): Exemption From Copyright and Trademark Infringement for Skipping of Audio or Video Content of Motion Pictures

Subsection (b) is the Family Movie Act's core provision and creates a new exemption at section 110(11) of the Copyright Act for the ''making imperceptible'' of limited portions of audio or video content of a motion picture during a performance in a private household. This new exemption sets forth a number of conditions to ensure that it achieves its intended effect while remaining carefully circumscribed and avoiding any unintended consequences. The conditions that allow an exemption, which are discussed in more detail below, consist of the following:

The making imperceptible must be ''by or at the direction of a member of a private household.'' This legislation contemplates that any altered performances of the motion picture would be made either directly by the viewer or at the direction of a viewer where the viewer is exercising substantial choice over the types of content they choose to skip or mute.

The making imperceptible must occur ''during a performance in or transmitted to the household for private home viewing.'' Thus, this provision does not exempt an unauthorized ''public performance'' of an altered version.

The making imperceptible must be ''from an authorized copy of a motion picture.'' Thus, skipping and muting from an unauthorized or ''bootleg'' copy of a motion picture would not be exempt.

No ''fixed copy'' of the altered version of the motion picture may be created by the computer program or other technology that makes imperceptible portions of the audio or video content of the motion picture. This provision makes clear that services or technologies that make a fixed copy of the altered version are not afforded the benefit of this exemption.

The ''making imperceptible'' of limited portions of a motion picture does not include the addition of audio or video content over or in place of other content, such as placing a modified image of a person, a product, or an advertisement in place of another, or adding content of any kind.

These limitations, and other operative provisions of this new section 110(11) exemption, merit further elaboration as to their purposes and effects.

The bill makes clear that the ''making imperceptible'' of limited portions of audio or video content of a motion picture must be done by or at the direction of a member of a private household. While this limitation does not require that the individual member of the private household exercise ultimate decision-making over each and every scene or element of dialog in the motion picture that is to be made imperceptible, it does require that the making imperceptible be made at the direction of that individual in response to the individualized preferences expressed by that individual. The test of ''at the direction of an individual'' would be satisfied when an individual selects preferences from among options that are offered by the technology.

An example is the C1earPlay model. C1earPlay provides so-called ''filter files'' that allow a viewer to express his or her preferences in a number of different categories, including language, violence, drug content, sexual content, and several others. The version of the movie that the viewer sees depends upon the preferences expressed by that viewer. Such a model would fall under the liability limitation of the Family Movie Act.

This limitation, however, would not allow a program distributor, such as a provider of video-on-demand services, a cable or satellite channel, or a broadcaster, to make imperceptible limited portions of a movie in order to provide an altered version of that movie to all of its customers, which could violate a number of the copyright owner's exclusive rights, or to make a determination of scenes to be skipped or dialog to be muted and to offer to its viewers no more of a choice than to view an original or an altered version of that film. Some element of individualized preferences and control must be present such that the viewer exercises substantial choice over the types of content they choose to skip or mute.

It is also important to emphasize that the new section 110(11) exemption is targeted narrowly and specifically at the act of ''making imperceptible'' limited portions of audio or video content of a motion picture during a performance that occurs in, or that is transmitted to, a private household for private home viewing. This section would not exempt from liability an otherwise infringing performance, or a transmission of a performance, during which limited portions of audio or video content of the motion picture are made imperceptible. In other words, where a performance in a household or a transmission of a performance to a household is done lawfully, the making imperceptible limited portions of audio or video content of the motion picture during that performance, consistent with the requirements of this new section, will not result in infringement liability. Similarly, an infringing performance in a household, or an infringing transmission of a performance to a household, are not rendered non-infringing by section 110(11) by virtue of the fact that limited portions of audio or video content of the motion picture being performed are made imperceptible during such performance or transmission in a manner consistent with that section.

The bill also provides additional guidance, if not an exact definition, of what the term ''making imperceptible'' means. The bill provides specifically that the term ''making imperceptible'' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture. This is intended to make clear in the text of the statute what has been expressed throughout the consideration of this legislation, which is that the Family Movie Act does not enable the addition of content of any kind, including the making imperceptible of audio or video content by replacing it or by superimposing other content over it. In other words, for purposes of section 110(11), ''making imperceptible'' refers solely to skipping scenes and portions of scenes or muting audio content from the original, commercially available version of the motion picture. No other modifications of the content are addressed or immunized by this legislation.

The House sponsor of this legislation noted in his explanation of his bill, and the Senate is also aware, that some copy protection technologies rely on matter placed into the audio or video signal. The phrase ''limited portions of audio or video content of a motion picture'' means what it would naturally seem to mean (i.e., the actual content of the motion picture) and does not refer to any component of a copy protection scheme or technology. This provision does not allow the skipping of technologies or other copy-protection-related matter for the purpose of defeating copy protection. Rather, it is expected that skipping and muting of content in the actual motion picture will be skipped or muted at the direction of the viewer based on that viewer's desire to avoid seeing or hearing the action or sound in the motion picture. Skipping or muting done for the purpose of or having the effect of avoiding copy protection technologies would be an abuse of the safe harbor outlined in this legislation and may violate section 1201 of title 17.

Violating the Digital Millennium Copyright Act, and particularly its anti-circumvention provisions, is not necessary to enable technology of the kind contemplated under the Family Movie Act. Although the amendment to section 110 provides that it is not an infringement of copyright to engage in the conduct that is the subject of the Family Movie Act, the Act does not provide any exemption from the anti-circumvention provisions of section 1201 of title 17, or from any other provision of chapter 12 of title 17. It would not be a defense to a claim of violation of section 1201 that the circumvention is for the purpose of engaging in the conduct covered by this new exemption in section 110(11), just as it is not a defense under section 1201 that the circumvention is for the purpose of engaging in any other non-infringing conduct.

There are a number of companies currently providing the type of products and services covered by this Act. The Family Movie Act is intended to facilitate the offering of such products and services, and it certainly creates no impediment to the technology employed by those companies. Indeed, it is important to underscore the fact that the support for such technology and consumer offerings that is reflected in this legislation is driven in some measure by the desire for copyright law to be respected and to ensure that technology is deployed in a way that supports the continued creation and protection of entertainment and information products that rely on copyright protection. This legislation reflects the firm expectation that those rights and the interests of viewers in their homes can work together in the context defined in this bill. Any suggestion that support for the exercise of viewer choice in modifying their viewing experience of copyrighted works requires violation of either the copyright in the work or of the copy protection schemes that provide protection for such work should be rejected as counter to legislative intent or technological necessity.

The House-passed bill included an explicit exclusion to the new section 110(11) exemption in cases involving the making imperceptible of commercial advertisements or network or station promotional announcements. This provision was added on the House floor to respond to concerns expressed by Members during the House Judiciary Committee markup that the bill might be

read somehow to exempt from copyright infringement liability devices that allow for skipping of advertisements in the playback of recorded television (so called ''ad-skipping'' devices). Such a reading is not consistent with the language of the bill or its intent.

The phrase ''limited portions of audio or video content of a motion picture'' applies only to the skipping and muting of scenes or dialog that are part of the motion picture itself, and not to the skipping of commercial advertisements, which are themselves considered motions pictures under the Copyright Act. It also should be noted that the phrase ''limited portions'' is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work (including a commercial advertisement) is made imperceptible, the section 110(11) exemption would not apply.

The House-passed bill adopted a ''belt and suspenders'' approach to this question by adding exclusionary language in the statute itself. Ultimately that provision raised concerns in the Senate that such exclusionary language would result in an inference that the bill somehow expresses an opinion, or even decides, the unresolved legal questions underlying recent litigation related to these so-called ''ad-skipping'' devices. In the meantime, the Copyright Office also made clear that such exclusionary language is not necessary. In other words, the exclusionary language created unnecessary controversy without adding any needed clarity to the statute.

Thus, the Senate amendment omits the exclusionary language while leaving the scope and application of the bill exactly as it was when it passed the House. The legislation does not provide a defense in cases involving so-called ''ad-skipping'' devices, and it also does not affect the legal issues underlying such litigation, one way or another. Consistent with the intent of the legislation to fix a narrow and specific copyright issue, this bill seeks very clearly to avoid unnecessarily interfering with current business models, especially with respect to advertising, promotional announcements, and the like. Simply put, the bill as amended in the Senate is narrowly targeted to the use of technologies and services that filter out content in movies that a viewer finds objectionable, and it in no way relates to or affects the legality of so-called ''ad-skipping'' technologies.

There are a variety of services currently in litigation that distribute actual copies of altered movies. This type of activity is not covered by the section 110(11) exemption created by the Family Movie Act. There is a basic distinction between a viewer choosing to alter what is visible or audible when viewing a film, the focus of this legislation, and a separate entity choosing to create and distribute a single, altered version to members of the public. The section 110(11) exemption only applies to viewer directed changes to the viewing experience, and not the making or distribution of actual altered copies of the motion picture.

Related to this point, during consideration of this legislation in the House there were conflicting expert opinions on whether fixation is required to infringe the derivative work right under the Copyright Act, as well as whether evidence of Congressional intent in enacting the 1976 Copyright Act supports the notion that fixation should not be a prerequisite for the preparation of an infringing derivative work. This legislation should not be construed to be predicated on or to take a position on whether fixation is necessary to violate the derivative work right, or whether the conduct that is immunized by this legislation would be infringing in the absence of this legislation.

Subsection (b) also provides a savings clause to make clear that the newly-created copyright exemption is not to be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption.

Subsection (c): Exemption From Trademark Infringement

Subsection (c) provides for a limited exemption from trademark infringement for those engaged in the conduct described in the new section 110(11) of the Copyright Act.

In short, this subsection makes clear that a person engaging in the conduct described in section 110(11)—the ''making imperceptible'' of portions of audio or video content of a motion picture or the creation or provision of technology to enable such making available—is not subject to trademark infringement liability based on that conduct, provided that person's conduct complies with the requirements of section 110(11). This section provides a similar exemption for a manufacturer, licensee or licensor of technology that enables such making imperceptible, but such manufacturer, licensee or licensor is subject to the additional requirement that it ensure that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or the copyright holder.

Of course, nothing in this section would immunize someone whose conduct, apart from the narrow conduct described by 110(11), rises to the level of a Lanham Act violation. For example, someone who provides technology to enable the making imperceptible limited portions of a motion picture consistent with section 110(11) could not be held liable on account of such conduct under the Trademark Act, but if in providing such technology the person also makes an infringing use of a protected mark or engages in other ancillary conduct that is infringing, such conduct would not be subject to the exemption provided here. As amended by the Senate, the bill also makes clear that failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption created by this subsection is not, by itself, enough to establish trademark infringement. Failure to qualify for the safe harbor from trademark liability merely means that the manufacturer, licensee, or other licensor of technology cannot assert an affirmative defense based on this exemption in a case where trademark infringement or some other violation of the Trademark Act is established.

Subsection (d): Definition

Subsection (d) provides definitional clarification regarding short-hand references throughout this section to the ''Trademark Act of 1946.''●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on November 24, 2004, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 529) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, with amendments.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 24, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida.

S. 2214. An act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''.

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2640. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes.

S. 2693. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''.

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the President pro tempore (Mr. STEVENS) on November 24, 2004.

ENROLLED BILLS PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on November 24, 2003, she had presented to the President of the United States the following enrolled bills:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

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S. 2693. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''.

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

ADDITIONAL COSPONSORS

S. 3021

At the request of Mr. CORNYN, his name and the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 3021, a bill to provide for the protection of intellectual property rights, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4080. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

SA 4081. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, supra.

TEXT OF AMENDMENTS

SA. 4080. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act; as follows:

In section 1(a) strike ''10 succeeding'' and insert ''7 succeeding''.

In section 1(b) strike ''10 succeeding'' and insert ''7 succeeding''.

SA. 4081. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act; as follows:

Amend the title to read as follows:

''To amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.''.

ORDERS FOR TUESDAY, DECEMBER 7, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned under the provisions of H. Con. Res. 529 until 9:30 a.m. on Tuesday, December 7, 2004. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 12:30 with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. MCCONNELL. That completes our business for today's session. I thank the Democratic leadership for their assistance today. Even though our work this afternoon took only a few moments, I also thank the staff and everyone around the Chamber for being here, this day before Thanksgiving.

With that said and if there is nothing further from my colleague, I wish everyone a happy and safe Thanksgiving.

ADJOURNMENT UNTIL TUESDAY, DECEMBER 7, 2004, AT 9:30 A.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 529.

There being no objection, the Senate, at 5:06 p.m. adjourned until Tuesday, December 7, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO BOOKER T. JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Booker T. Johnson for his nearly three decades of public service to the citizens of New York City and his continued commitment to improving our community.

Booker is the son of Booker T. Johnson, Sr. and Piccola Tyler Johnson. He was born in the State of Virginia and received his education in South Carolina where he graduated from Scotts Brance High School in Summerton, S.C. In 1957, Booker relocated to New York. He married Roxie Carter Johnson in 1961, and they are proud parents of Booker T. Johnson, Jr. and Deron Johnson, and proud grandparents of Booker T. Johnson III.

Booker joined the New York City Police Department in 1968 receiving several commendations during his 28-year career. He retired in 1995. From 1975 to the present, he has been the owner and operator of B & D Florist on Atlantic Avenue in Brooklyn that serves many churches, business organizations, and the public.

In 1970, he joined Tuscan #58 F&A.M. (PH) Masonic Lodge becoming Master of the Lodge in 1980 and served as Grand Junior Warden in 1986. In 1978, he became a member of Fidelity Chapter #54 O.E.S.,P,H.A. In South Carolina, he was a member of St. Phillip Church and joined Brown Memorial Baptist Church upon moving to Brooklyn, New York. Booker's motto is to, ''treat everyone as you wish to be treated.''

Mr. Speaker, Booker T. Johnson dedicated his professional life to protecting New York's and he continues to be committed to strengthening our community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PERSONAL EXPLANATION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, had I been present on October 8, 2004, I would have voted ''yes'' on H. Amdt. 789, amending H.R. 10 to establish a ''zero tolerance'' policy towards the unlawful importation, possession, or transfer of shoulder fired guided missiles (MANPADS), atomic weapons, dirty bombs, and variola (smallpox) virus by making their unauthorized possession a federal crime carrying stiff mandatory penalties.

ANNIVERSARY OF GEORGIA'S ''ROSE REVOLUTION''

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker one year ago yesterday, November 23, 2003 the world witnessed an extraordinary political event involving the peaceful pursuit of democracy. In what has become known as the ''Rose Revolution'', the people of the Republic of Georgia, after several weeks of peaceful and bloodless protests following parliamentary elections which were determined to be fraudulent, forced a peaceful change in their government. On that day, opposition parliamentarians entered their Assembly, roses in hand, demanding that the will of the people, expressed by their recent vote, be honored. Given the strong support of the public the government of Eduard Shevardnadze collapsed.

Soon after, and under the effective management of interim President Nino Burdzhanadze, a free, fair and democratic presidential election was held. Mikhail Saakashvili, leader of the opposition protest, was overwhelmingly elected and sworn into office on January 24 of this year as President of the Republic of Georgia.

Mr. Speaker, Georgia is a small, but strategic country located in the Caucasus, between Russia, Iran, Turkey, and Central Asia. President Saakashvili is a young, energetic leader who has received educational training here in the U.S. and has repeatedly stressed the importance of strong ties with the United States. Since his election, he has committed his country to a strong effort against global terrorism and has deployed troops to Iraq. When President Saakashvili visited the United States Congress earlier this year he delivered a strong message of peace, stability, democracy, political reform, economic opportunity and closer cooperation with the West.

Recognizing the important developments taking place in Georgia, the Europe Subcommittee, which I Chair, passed H. Res. 483 in October, pledging the continued support of the United States for the continued development of democracy in Georgia.

Today, as we remember the events of November 23, 2003, we express our congratulations to the people and Government of Georgia and reaffirm our support for the sovereignty, independence and territorial integrity of the Republic of Georgia.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of S. 2781, the Comprehensive Peace in Sudan Act of 2004.

There can be no mistake that the situation in Darfur constitutes a massive humanitarian disaster. There is indisputable evidence from Members of Congress, international observers and non-governmental organizations that thousands of people have been killed, countless numbers of women and girls have been raped, and hundreds of thousands of people have been displaced. Lives remain in danger as water and food is scarce and the potential of a cholera outbreak is very real. It is imperative that the United States and the international community become more actively engaged in this issue—we should not allow the human suffering to continue a day longer.

The Comprehensive Peace in Sudan Act is a significant measure designed to aid the suffering in Darfur while holding the perpetrators of these atrocities responsible for their actions. The Comprehensive Peace in Sudan Act authorizes hundreds of millions of dollars for humanitarian development and refugee assistance. At the same time, this legislation blocks the U.S. assets of complicit senior officials of the Sudanese government and seeks to prevent the travel of Sudanese government officials to the U.S. until demonstrated human rights protections are in place.

The provisions in the Comprehensive Peace in Sudan Act are necessary steps toward ending the humanitarian crisis in Darfur, but they are far from sufficient. The U.S. and the international community must maintain pressure on the Sudanese government to end the violence immediately and unconditionally.

I remain committed to working with my colleagues in Congress and the international community to end the genocide in Darfur and bring peace and stability to the Sudanese people.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. KIND. Mr. Speaker, I rise today in strong opposition to the bill before us today. For the third time in as many years, we are debating raising the debt limit because of irresponsible government policy. Today, this House will vote on raising the debt limit by

$800 billion, which will bring the debt ceiling to an astounding $8.2 trillion.

It concerns me that we need to raise the debt limit because of irresponsible fiscal policy such as giving tax cuts to the nation's millionaires while our country is fighting a war overseas and my home state of Wisconsin is hemorrhaging manufacturing jobs.

While I understand that it is sometimes inevitable that we must raise the debt limit, I believe that such a serious step should be taken in conjunction with pay-as-you go rules. I believe our country must return to the days of fiscal responsibility with a realistic, workable plan to put America back on a path to fiscal security. A first step towards that goal is to restore the pay-as-you-go requirements which left budget surpluses in the 1990s and enabled us to begin paying down the debt.

We need to start making decisions that will leave our children a better country to inherit. As the father of two little boys, I did not come to Congress to leave my sons a legacy of debt, hurt economic growth, and make this country more dependent on foreign nations, who are currently the largest holders of our debt. By 2014, American families will pay an additional $9,400 in interest on the national debt. That same year, the Social Security Trust Fund will be completely depleted if this Congress' reckless fiscal policies continue unchecked.

I am voting against such fiscal recklessness because there is no plan to restore fiscal responsibility in the future as we rapidly approach the Baby Boom generation's impending retirement. The American people deserve no less than a government that applies the same fiscal responsibility that any hard-working American family would in crafting a household budget. This Congress has failed to apply such fiscal responsibility; therefore, I urge all my colleagues to oppose this bill.

TRIBUTE TO GERALDINE SCOTT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Geraldine Scott for her dedication to our community and commitment to mentoring our youth.

Born in Queens, raised in Brooklyn, Gerri has dedicated her life to the service of others. She was educated in the New York City public school system and graduated from Hunter College in 1991 with a Bachelor of Science degree in economics. She is the granddaughter of Rudell Howell, the daughter of Ethel Owens and the proud mother of Bernard Isaiah Scott.

Professionally, Gerri has worked for the Topps Company, Inc. for more than 15 years. Initially employed as a Credit Coordinator, she has received numerous promotions and, as of 2000, was promoted to the position of Office Service Supervisor. As Office Service Supervisor, Gerri manages a staff of employees and oversees various functions and operations for Topps, including building services management. Her responsibilities also include Buyer Coordinator, Telecommunication Analyst for all Topps locations, and Communications Coordinator for the U.S., Canadian and UK offices.

Personally, she has been actively involved in her community and the Berean Baptist Church for over 25 years, serving her church through membership on various ministries, including but not limited to: the Junior Usher Board, Youth Lay League, Young Adult Choir, Young Adult Ministry, Sunday School, and Bible Study. She served her community by working with the elderly at the Kingsboro Senior Citizens home and tutored children as well as adults in math and reading.

She joined the Girl Scouts at the age of 5 and eventually became a Scout Leader. Having served as a leader for over 10 years, Gerri enjoys her work in supervising girls of all ages. She has served as Service Unit Manager for the North Brook #3 area for 4 years, during which time her scouting unit experienced tremendous growth. She implemented new programs and worked diligently with her girls, affording her the opportunity to listen, witness, and attend to their many needs. Gerri also coordinated a summer job and volunteer program for her Senior and Cadette Scouts to provide them with a ''real world'' experience in a work environment. One of Gerri's greatest pleasures is a visit from one of her former Girl Scouts. Gerri says, ''When a Scout comes back and shares their experiences and accomplishments with me, I feel as if I have made a difference in their life.''

She works tirelessly and selflessly as a mother, manager, and community leader. She truly cares about her fellow man and considers it an honor to be able to help shape and mold her son into the man that God has called him to be and for the opportunity to positively affect the lives of the girls she works with through the Girl Scouts. She lives her life encouraged and empowered by her favorite scripture, Philippians, 4:13, ''I can do all things through Christ who strengthens me.''

Mr. Speaker, Geraldine Scott has been actively involved in strengthening our community through her various volunteer efforts at her church, a senior home and with the Girl Scouts. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

IN CELEBRATION OF THE 40TH ANNIVERSARY OF LEISURE WORLD-LAGUNA WOODS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, I rise today to commemorate the 40th Anniversary of Leisure World in Laguna Woods, California. It was on September 10, 1964 that the first residents moved into Leisure World, a private community designed especially for active, retired seniors. Within a mere 3 years, the community had grown to a population of 10,000, making it one of our country's earliest and largest agerestricted developments.

Today, Leisure World is home to nearly 18,000 residents who enjoy a variety of housing options and social services, an abundance of recreational activities and organizations, and an exceptionally warm and welcoming community. Nestled in the rolling hills of South Orange County, Leisure World existed as an unincorporated part of the county for more than 3 decades. In 1999, the community made history when its residents voted for city-hood and the area officially became part of Laguna Woods, America's first and only age-restricted city.

I had the pleasure of getting to know the residents of Leisure World when I was first running for Congress in 1988. And, for the past 16 years, it has been a true honor to represent this unique and thriving community. In my experience, Leisure World residents are among the most politically aware and active of my constituency. Local political clubs have included me in hundreds of roundtable discussions, candidate debates, and ''Get-Out-The-Vote'' events. Leisure World TV has interviewed me on numerous occasions for its local cable show, and the community newsletter has welcomed my columns.

Most importantly, individual residents are always willing to share their informed opinions and suggestions on nearly any issue. Because of their insight, I have authored laws to reduce death taxes for seniors living in communities such as Leisure World, and to ease federal regulations that sought to outlaw age-restricted communities. I truly value my relationship with Leisure World, and I appreciate the opportunity to carry legislation on behalf of this community.

Mr. Speaker, it is my sincere honor to ask the Congress of the United States of America to join me in congratulating Leisure World-Laguna Woods on the occasion of its 40th Anniversary.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

SPEECH OF

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 853, which expresses the Sense of Congress that the Department of Defense should continue to exercise its authority to support the activities of the Boy Scouts of America.

I am appalled that the Department of Defense agreed to warn its military bases worldwide not to sponsor Boy Scout Troops—just because the ACLU is upset that they require their members to swear an oath to God. I wholeheartedly disagree with this decision, and I think the Pentagon should reconsider this short-sighted settlement.

Over the last 30 years, the Department of Defense has been specifically authorized to host Scouts on its installations and to provide equipment, transportation, and other services for both national and international events such as the Boy Scout Jamboree. Furthermore, United States Code Title 10, Sections 4682, 7541, and 9682 authorizes the Department of Defense to sell and donate (in certain cases) obsolete or excess material to the Boy Scouts of America to support its activities.

In the First District of Virginia, the Boy Scout Jamboree is hosted at Fort A.P. Hill every four years. The success of this event is directly attributable to the strong relationship that the

Boy Scouts and the Department of Defense have built over the years.

The Boy Scouts and the Department of Defense have enjoyed a unique relationship with many former Scouts joining the ranks of our nation's military. The Pentagon's recent agreement threatens this unique relationship of two organizations dedicated to one important objective: service to God and country.

I would remind my colleagues that Boy Scouts are not the only people who swear an oath to God. The fact is that our own service men and women take a similar oath before God at the beginning of their service, and I will not support any action or agreement which attempts to endanger a partnership which clearly benefits both organizations. I urge the Pentagon to reconsider its decision and to continue to support the Boy Scouts of America.

HONORING MARGARET HASSAN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Ms. MCCOLLUM. Mr. Speaker, it is with great sadness and reflection that I rise today to honor Mrs. Margaret Hassan—a friend of the international community and a true humanitarian.

Mrs. Hassan worked in humanitarian relief in Baghdad for more than 25 years, the last 12 for CARE International as CARE Iraq's country director. She was a British citizen from an Irish family—but her husband Tahseen and her friends would attest that she was an Iraqi through-and-through. She loved the country, the people and the challenge. While others would leave, her hard work never wavered. ''I'm staying with my people,'' she was quoted as saying. ''This is my home.''

I had the unique experience of talking with Mrs. Hassan about the challenges and difficulties facing the Iraqi people. We spoke at length about the people, the security and the future. While she expressed concern about the safety of the Iraqi people, she maintained a sense of optimism for the future of her adopted home. She was determined to continue her work, and her personality, courage and compassion kept her spirits high, even in the darkest of hours.

In October, the Times of London described her resiliency and courage in the face of the utmost danger. They wrote, ''Even at the height of the air raids on Baghdad, she would travel around government departments in the city offering assistance to local officials who had helped her in the past and lobbying them to ensure that fresh water was available in the main hospitals'' (Times Newspapers, 10/20/04). She was always working for the betterment of the Iraqi people, even when it threatened her own personal safety.

In her death, the Iraqi people have lost a hero, and the world has lost a true friend. My thoughts and prayers are with her husband, her family, her friends and the Iraqi people.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. KIND. Mr. Speaker, I strongly oppose H.R. 4818, the omnibus appropriations bill for fiscal year 2005. This $388.4 billion catchall federal spending bill represents the skewed budget priorities under which the Republican House Leadership has been operating. It puts special interest priorities before the public trust and severely underfunds critical programs.

H.R. 4818 is an exclamation point on a year-long spending spree by Congress at the expense of taxpayers and future generations. Taxpayers are picking up the tab on gratuitous government spending, while essential programs are shortchanged; the bill falls short of its commitment to the No Child Left Behind program by $9.4 billion, freezes the maximum Pell Grant for the second year in a row, and shortchanges funding for veterans' benefits and rural conservation initiatives.

Additionally, the credibility of the legislative process was compromised, as appropriators of the majority party defied procedural methods to rework the bill exactly to their liking, not to mention the liking of the White House. Appropriators handily struck backroom deals to make the following changes: to exclude a measure to allow the reimportation of prescription drugs; to override a House-passed provision to protect overtime benefits to six million employees; and to change bicameral recommendations on federal outsourcing and travel and trade relations with Cuba.

Also, it concerns me that just last week we had to raise the debt limit for the third time in the past several years to an astounding $8.2 trillion. Moreover, it worries me that we had to raise the debt limit because of irresponsible fiscal policy such as giving tax cuts to the Nation's millionaires while our country is fighting a war overseas and my home State of Wisconsin is hemorrhaging manufacturing jobs.

The proponents of the fiscal year 2005 Omnibus have touted it as a package of real programs that benefit real people. This bill is an insult to the principles of this democratic body, and what I want to know is when the special interest spending spree will cease and real people will again be the priority.

We need to start making decisions that will leave our children a better country to inherit. As the father of two little boys, I did not come to Congress to leave my sons a legacy of debt, hurt economic growth, and make this country more dependent on foreign nations, who are currently the largest holders of our debt. By 2014, American families will pay an additional $9,400 in interest on the national debt. That same year, the Social Security Trust Fund will be completely depleted if this Congress's reckless fiscal policies continue unchecked.

Mr. Speaker, I strongly oppose the fiscal year 2005 omnibus bill. I cannot in good faith support such fiscal recklessness because there is no plan to restore fiscal responsibility in the future as we rapidly approach the Baby Boom generation's impending retirement. The American people deserve no less than a government that applies the same fiscal responsibility that any hard-working American family would in crafting a household budget.

A TRIBUTE TO JOELLE BAILEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Joelle Bailey for her accomplishments in the field of business and efforts to improve the manners of all people in our community.

Joelle has over 20 years experience in catering, event planning and the restaurant business. Little did she know that a position at Essence Magazine would serve as the impetus for her to enter the food and hospitality industry. At a very young age, Joelle's mom Marie felt very strongly about manners and etiquette and instilled those values in Joelle and her sister Yves. Joelle has taken these values and turned them into a lifetime mission not only for herself but to assist and instruct others in these areas.

Joelle has learned through some of the best working positions at the Vista Hilton, Marriott and Plaza Hotels and LSG Sky Chefs. She received her formal training at the French Culinary Institute and Sky Chefs. By 1994, she opened Classic Catering which is a full service event planning and catering business that caught the attention of the New York Times, Daily News, NY Post, 98.7 KISS FM and WOR 710. In June 2004, Joelle was featured in the Daily News' ''Spotlight On Great People'' by Clem Richardson. Publicity aside, Joelle is pleased that her clients and guests approve of her fabulous catering and cooking skills. Currently, Joelle writes several columns, sharing her knowledge on entertaining, etiquette and menu and recipe suggestions. Some of Joelle's most memorable clients have included: The New York Urban League, Diana Ross, Mt. Sinai Hospital, Russell Simmons, Suzanne Taylor, The United Way, Bill Cosby, Children's Television Network, Jackie Robinson Foundation, New York Bar Association, New York University, Columbia University and many more.

Joelle shares her love for young people by teaching courses in the art of etiquette, table manners, sophistication, food, nutrition and basic ''101'' cooking skills. She teaches these classes for the community in different schools and also in her home. Each event is sponsored with her own personal finances. Adults are welcome as well. Additionally, her very own etiquette/cookbook will be launched next year and a food show is in the works.

On her son Issiah's 3rd birthday March 27, 2004 Joelle launched a not-for-profit foundation called Issiah W. Simms Foundation to help children improve their etiquette and manners. Eight years ago, Joelle realized that she was not satisfied with the etiquette and manners of today's children, teens and even adults. For her, there was a major state of emergency existing in society that needed to be addressed. This concern led her to form the Issiah W. Simms Foundation.

Joelle is fortunate to have wonderful and insightful parents Hubert and Marie Valbrun, mentors (stepmother, Rosette Waynne), teachers and friends who are supportive of her

work. She has a degree in Liberal Arts from Pace University and an MBA from Liberty University. She dreams of opening a finishing school that would be free to her Brooklyn community.

Mr. Speaker, Joelle Bailey has been a leader in our community through her entrepreneurial accomplishments and efforts to create a more civil society. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

A TRIBUTE TO THE COMMUNITY OF CORONA DEL MAR ON THE OCCASION OF ITS CENTENNIAL CELEBRATION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, I rise today to pay tribute to the community of Corona del Mar on the occasion of its centennial celebration. Residents, community leaders, and City officials have been planning the communitywide celebration of this historic anniversary for the last 2 years. It is with great pleasure that I recognize today the entire Corona del Mar citizenry for the outstanding quality of life, arts, education, and rich history that has made this area one of the most sought after places to live in America.

On June 29, 1904, George E. Hart, a Los Angeles real estate mogul, signed an agreement with the Irvine Company for the purchase of a 706-acre corner of Irvine Ranch. In early July 1904, the transaction of this sale and ownership was officially recorded with the County of Orange, and the village of Corona del Mar was born.

A grand celebration recently brought together the entire community in a citywide celebration to honor the 100th birthday of Corona del Mar, as well as to plan for the future.

The official Centennial Celebration, which began with an official launch event and gala art show, culminated with the Centennial Celebration on the weekend of October 14–17, 2004 in Corona del Mar.

I would like to commend the Corona del Mar Centennial Foundation and Organizing Committee for its dedicated commitment to plan a first class, year-long communitywide celebration honoring this important time in Corona del Mar's history. Certainly the village itself, and the people who live in it, deserve the very best. It is an honor to represent Corona del Mar in the United States House of Representatives.

ELECTION IN UKRAINE

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, 2 months ago, this House overwhelmingly passed H. Con. Res. 415 regarding the October 31 Presidential elections about to be held in the Ukraine.

During the floor debate on that resolution, I noted that the development of a strong democracy in the Ukraine has been slow and difficult over the past 13 years. In recognizing this fact, I stated that no issue would be more important to the Ukraine's future standing with the West than the test its democracy was about to face in that Presidential election. I said that in many ways the election represented a historic opportunity for the people of the Ukraine to decide whether or not democracy can flourish in this important nation.

Those elections did take place on October 31. Since no candidate received over 50 percent of the votes, a runoff election was just held this past Sunday. Regrettably, and despite every effort we were told would be made by the Government for a free and fair election, the rhetoric was not matched by the actions and the elections seemed to have been seriously flawed.

A preliminary assessment of the elections conducted by the International Election Observation Mission (IEOM), consisting of representatives from the OSCE, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly, indicated that the second round of the presidential election did not meet a considerable number of internationally accepted standards for democratic elections. The IEOM report listed election day violence, intimidation of voters and observers, suspiciously high voter turnout in some regions, problems with ballot counting and the addition of several hundred thousand absentee ballots.

In a statement issued by Senator RICHARD LUGAR who was observing the elections as the representative of President Bush, the Senator reported that it was apparent that a concerted and forceful program of election day fraud and abuse was enacted with either the leadership or cooperation of government authorities.

Mr. Speaker, this is disappointing and unacceptable news from the Ukraine. It seems incomprehensible to me that with the rocky relationship the West has had at times with the outgoing leadership in Kiev that the new President of the Ukraine would want to spend the next 5 years under a cloud of legitimacy as a result of an unfair electoral process.

Mr. Speaker, we in the Congress have long supported building a stable, democratic, and prosperous nation in the Ukraine and have tried to work with those individuals and organizations who shared our goals. Unfortunately, and regrettably, the conduct of these recent elections suggests that many in Ukraine's current government have not yet committed themselves to this goal and lack the political will to do so.

As chairwoman of the Europe Subcommittee I believe I can speak for the House in expressing our deep disappointment with the conduct of these recent elections and our concerns for the Ukraine's future. We join with the Bush administration in calling on the current President of the Ukraine, the Rada and the Supreme Court to conduct a thorough review of these elections and investigate the charges of mass fraud before any certification of the results is made. At the very least, it may be necessary to hold new elections in those cities or regions where the fraud was most blatant. We also call on all sides of the dispute to exercise restraint and avoid violence. Finally, if the dispute is not resolved in support of the democratic process, then I believe the Bush administration must begin a review of our relations with the Ukraine and take what ever actions may be necessary to express our displeasure with the actions of the Ukraine government and its leaders.

A TRIBUTE TO ROSA CALHOUN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Rosa Calhoun in recognition of her accomplishments in her field of business and commitment to the community.

Rosa was born in Brooklyn, New York, the second child of Ruby Calhoun. Her daughter, Saretta, and her son, Dominique, are Rosa's pride and joy.

Rosa graduated from Clara Barton Vocational High School where she enhanced her talent in hair care by specializing in weaving and hair cutting. She has received many trophies because of these specialties.

Rosa has been in business for 30 years and participated in many fashion shows as ''Top Hair Designer''. She worked with and received many awards and certificates from The Hilton, Leviticus, Coliseum, and the Bronner Brother in Atlanta for her outstanding expertise in the field of hair styling. She was featured in 1986 ''Shop Talk'' and the 1998 ''Essence'' magazines.

Rosa has an active member of the Berean Baptist Church for 7 years. She is a member of the Berean Choir and the Hospitality Committee. In addition, Rosa is a member of the Aurelia Chapter #724 Order of Eastern Stars. She is a potential candidate for the Central Brooklyn Lions Club and the Negro Business and Professional Women's Inc. where she plans to serve as a member. Today, Rosa continues to strive for excellence in hair care. She enjoys working within the community where she grew up. Her love for hair styling has led her to achieve and attain all of her goals in her professional career.

Mr. Speaker, Rosa Calhoun, a Brooklyn native, has been a consistently positive force in her community through her business efforts, church and other civic activities. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING LUPUS INTERNATIONAL

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, I rise today to call this Congress' attention to a devastating disease that affects millions of Americans. Systematic Lupus Erythematosus, commonly known as lupus, is a chronic, complex, and often life-threatening autoimmune disease. It causes the immune system to become hyperactive and attack the body's own tissue, damaging vital organs which can lead to severe disability or death.

Research shows that 1.5 million people are afflicted with lupus in the United States—more

than those affected by AIDS, Cerebral Palsy, Multiple Sclerosis, Sickle Cell Anemia and Cystic Fibrosis combined. In Southern California alone, more than 100,000 people suffer from this disease. Although lupus can affect people of all ages, it strikes primarily women between the ages of 16–45, and is currently the fourth leading cause of disability in females.

To date, there is no known cure for lupus, and there are still very few treatments specific to the disease. However, with increased public awareness, education, and innovative research, we are hopeful that this battle can and will be won. Lupus International, a nonprofit organization in Irvine, California, has been a champion in the field of lupus research since it was founded in 1983. For over two decades, Lupus International has worked to alleviate suffering for millions of patients through support services, awareness promotion, and early detection of undiagnosed cases.

On October 17, 2004, Lupus International held its fifth annual ''Lupus Race for Life,'' to raise money for lupus research. I ask my colleagues to join me today in honoring this outstanding organization for its 20 year commitment to finding a cure for lupus, and its tremendous service to the millions of Americans suffering from this devastating disease.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to protest the inclusion of the federal refusal clause in the FY2005 Omnibus Appropriations bill. As a strong supporter of a woman's constitutionally guaranteed right to choose, I fear that this provision chips away at this right and will place women's health in jeopardy.

A woman's right to exercise control over her own body and to make her own health care decisions is vitally important. This right, as guaranteed by the United States Supreme Court in Roe v. Wade, has been the target of systematic attacks in recent years. This most recent attack—the federal refusal clause—is particularly egregious due to its radical change of current law.

The federal refusal clause allows a broad range of health care entities to refuse to comply with existing federal, state, and local laws and regulations pertaining to abortion services. The bill severely limits patients' rights and access to services and information, thereby impeding their ability to make informed decisions about their health care options.

This drastic departure from current law will have devastating effects on countless women. This clause would change existing law to say that federal, state, and local governments may not require a health care entity to perform, provide coverage of, pay for, or even refer for abortions. Further, the clause was drafted so as to encompass the broadest possible range of health care entities, including insurance companies, hospitals, HMOs, and many others.

This clause will be far-reaching. It will override federal Title X guidelines ensuring women receive full information. It will strip states of their ability to set the parameters of their own Medicaid programs. It will block states' attempts to improve women's access to full reproductive health services.

But most disturbing, the end result of this clause will be that women will be prevented from obtaining the reproductive health information and care they need and deserve.

This radical change is unacceptable and I hope that my colleagues will join me in working to repeal this dangerous provision.

A TRIBUTE TO LYDIA PATRICIA IRBY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Lydia Patricia Irby for her spiritual leadership and varied efforts to strengthen the community.

Lydia Patricia Irby was born on December 11, 1952. She has been married 26 years to Minister Willie H. Irby and is the proud mom of her ''royal court,'' 3 beautiful princesses, Kiwana Yiesha Simon-Garcia, Nikkia Latanya George-Caquias, Kristina Dawn Irby and one handsome prince, Adam Benjamin Irby. She is also proud of her grandchildren, the lovely Jordan Lydia Garcia, and her handsome grandsons Taiwan Michael Simon, Christopher Todd Caquias, and Jeremiah Justin Caquias. They are ''the sweetest sugars in her life''.

Lydia answered the call of God upon her life 27 years ago, when she was filled with the Holy Spirit and called into the ministry of Missionary and Evangelist. She has carried the word of the Lord throughout these United States, Canada, and Jamaica. She is a faithful member of Brooklyn Miracle Temple under the anointed leadership of Pastor Jimmy Talton and Lady Daisy Talton. The ''Voice of God'' and the BMT experience have brought her to another level of ministry. Lydia and her husband are the visionaries for a thriving clothing and food ministry, which meets the needs of people in the community.

Lydia is a very industrious woman, ''true to her biblical name.'' She is an international millinery designer, a parent coordinator, conflict resolution specialist, and coordinator of student activities at the Brooklyn High School of the Arts. She has worked in successful partnerships with Principal Robert Finly for the past five years.

She also has a diverse educational and occupational background and training including work as a licensed stockbroker for 12 years through the New York State Institute of Finance, seven years in licensed real estate management in the City of New York, certification in conflict resolution and mediation at Long Island University and successful completion of academic requirements as a Bible teacher at The Total Truth Institute. However, when is its all said and done Lydia's heartfelt desire is simply to live a life that is pleasing and acceptable to her Lord and Savior Jesus Christ. Her motto is: ''I will leave the life of everything and everybody that I touch better than when I found it.''

Mr. Speaker, Lydia Patricia Irby has been a leader in our community through her spiritual leadership and civic participation to improve the quality of life in Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. DELAURO. Mr. Speaker, I rise to congratulate the Boston Red Sox on their historic World Series Championship, and I want to thank my colleague from Massachusetts, Mr. Capuano, for his continued—and, I might add, longstanding—leadership on this issue.

I must admit this moment is somewhat bittersweet. As a lifelong fan of the New York Yankees, winners of 26 titles and 6 American League East division titles in a row, I had become accustomed to the annual October routine of dispatching the Red Sox—often in the most heartbreaking of fashions.

As such, I have always treasured moments like Bucky Dent hitting his game-winning home run off Mike Torrez in a sudden death playoff game against the Red Sox in 1978. Last year had been particularly satisfying, as the Yankees had triumphed over the Red Sox in Game 7 of the American League Championship Series with Aaron Boone's extra-inning homerun after having stormed back against a seemingly dominant Pedro Martinez.

And this year, the Yankees seemed poised yet again to break the collective heart of Red Sox Nation—having outmaneuvered Boston to trade for Alex Rodriguez in the off-season before staking a three-games-to-none lead in the American League Championship. No baseball team had ever come back from a three-game deficit in a best-of-seven series. And with a crippling injury to Curt Schilling's ankle in Game 1 and a 19–to–8 drubbing of the Red Sox at Fenway Park in Game 3, it seemed once again that the fabled Curse of the Bambino would be making its annual devastating appearance.

Yet then, the impossible happened—in what even this ardent Yankee fan must admit was thrilling, historic fashion, the Red Sox won the next 4 games and the series.

And so, with their defeat of not only the Yankees but also their commanding 4-game sweep of the St. Louis Cardinals, I join my New England colleagues in congratulating the Boston Red Sox for rewarding the fans of Red Sox Nation with their first World Series title in 86 years. I, for one, will miss the ''Nineteen-Eighteen'' chants for sure, but life will go on. Even if the Red Sox are the very best baseball team in the world right now, I know that a return to Yankee domination is but 4 short months away. So, we will give you this one.

Let me again thank my colleagues—I can only hope that they will join me here next year as we return to our annual practice congratulating the Yankees.

TRIBUTE TO BOB PALMER, DEMOCRATIC STAFF DIRECTOR OF THE COMMITTEE ON SCIENCE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Ms. PELOSI. Mr. Speaker, I would like to express my deep appreciation for the distinguished and colorful career of Dr. Robert E. Palmer. At the end of this Congress, Bob will retire, having served on the Committee on Science for 25 years. He is retiring as the Democratic Staff Director of the Committee on Science—having served in that position for longer than any other person in the history of the Committee.

Bob began his career with the Committee in the late 1970s as a Congressional Fellow of the American Association for the Advancement of Science. Rather than return to academia as a research marine biologist—his field of training—Bob elected to stay on the Science Committee staff. For a quarter century, Bob has been a central participant in science and technology policy. Though he has worked largely in the background, he has made significant contributions to our Nation's well-being.

Bob was not a typical scientist. As an undergraduate, he studied psychology at Harvard and served as a Vista Volunteer. He supported himself in such varied ways as moving furniture, playing music and even working as a private detective. He left Massachusetts for the University of Delaware, where he earned a Ph.D. in marine biology. It was after he had completed his graduate work that he started on the Committee as a National Oceanic and Atmospheric Administration (NOAA) expert. Among his first critical assignments was to help negotiate the transition of LANDSAT from a government program to an operational satellite system in the private sector. This was followed by a leadership role on the Global Change Research Act. That initiative has led to the research that underpins much of our knowledge of global climate change today. He also set up a key hearing on the Search and Rescue Satellite Program that prevented that important international program from being canceled.

In the mid-1980s Dr. Palmer was promoted to Committee management. He first served as the staff Director of the Subcommittee on International Scientific Cooperation and then the Subcommittee on Investigations and Oversight. He played a major role in the staff investigation of the Challenger accident, including studying issues around the fatal decision to launch.

On the I & O Subcommittee he led the investigation into problems with the NOAA–NASA weather satellite program. Without his work, it is likely that the country would have suffered some break in the gathering of real-time, high-quality data regarding emerging dangerous weather patterns. Such a break in coverage would have meant lost lives and increased property damage. Subsequent investigative work by Bob led to the resignation and later indictment and conviction of an Inspector General at an agency in the Committee's jurisdiction. His early work as a private detective ended up serving him well in his role on the Committee.

These are just a few specific examples of Bob's role in the work of the Committee. But he has helped draft numerous pieces of legislation, worked to investigate misconduct, served in many conferences with the Senate as the lead Democratic staffer and worked with Administration figures—regardless of party-to try to insure that policies and programs reflected the intent of Congress. His intelligence, energy, experience and humor have allowed him to accomplish much.

When Dr. Radford Byerly moved to Colorado in 1993, then Science Committee Chairman George Brown choose Dr. Palmer as the natural person to replace Byerly as the staff director of the full Committee on Science, Space and Technology. Bob has continued as the Democratic staff director of the committee for over a decade, serving under three senior Democratic Members from across the political spectrum. Bob has served each with talent and professionalism and all the Members of the Committee hold him in the highest regard.

Unfortunately for the Committee and the Congress, Bob's wife Mary, an accomplished researcher and teacher, has received an academic appointment from the University of Florida. So she is leaving the University of Maryland for Gainesville and Bob will follow her there. In his typically good-natured way, he says that she followed him to Washington 25 years ago and has stayed here for his career advantage; it is his turn to relocate to support her career. We wish you both well in the future. You have served the Committee, the Congress and the country with great distinction.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. YOUNG of Alaska. Mr. Speaker, I rise to commend the conferees for including economic development funding for the Pribilof Islands. The economies of these Island communities have been struggling in the face of the ban on the fur seal harvest and the collapse of the crab and other fisheries in the area. The funding in this appropriations bill is a key step in helping the Aleut population of the Islands to develop a diversified, sustainable economy.

For over 100 years, the Federal Government controlled the Natives' fur seal harvest on the Islands, as well as their social and municipal services. In the 1980s the National Oceanic and Atmospheric Administration and the Congress embarked on a plan for transition of the Islands to independence and economic self-sufficiency. One of the most important aspects of the plan was that the Federal Government would transfer control of the fur seal harvests to the Natives and permit the Natives to keep the income from the harvests. Unfortunately, one year after the plan was developed, the Government banned fur seal harvesting on environmental grounds and removed a critical source of regular income from the community.

Four years ago, the Congress enacted the Pribilof Island Transition Act, which I authored. I worked closely with my Alaska colleagues in the other body in crafting that legislation and shepherding it through the legislative process. The Act was aimed at compensating for the loss of the fur seal industry and for the delays in implementation of two other key objectives of the transition plan: construction of usable harbors and transfer of lands from NOAA to Island entities. The Transition Act authorized $28 million for economic development over a period of five years. This is the first year that funds have been appropriated for this purpose, and it comes at a crucial time.

It is my hope that additional funding for Pribilof Island economic development will be forthcoming in the years ahead.

THERE IS NO THERE THERE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, the recent resignation—apparently encouraged by the President—of Secretary of State Powell has stripped one of the important facades behind which the reality of the Bush foreign policy has been hidden. It is deeply regrettable that the President and the Secretary of State worked together to keep this façade in place until now, because the fact that the Secretary of State would be leaving is the sort of information that would have been relevant to the voters on Election Day. There is no clear evidence that Secretary Powell had any great influence on the Administration's foreign policy, but his having been around did I think help the Administration in its effort to appear more reasonable in its foreign policy than it has been.

But Secretary Powell's leaving is not the only recent example we have of a facade being lifted from this Administration's record in international affairs. In the Washington Post Monday, November 15, Fred Hiatt points out another great gap between the reality of the President's foreign policy and the way in which the Administration has described it—the issue of the promotion of democracy as a goal of American foreign policy.

As Mr. Hiatt notes, when JOHN KERRY ''made clear that promoting democracy abroad would not be a priority of his presidency,'' this quote ''allowed George W. Bush to claim the high moral ground of foreign policy.'' As Mr. Hiatt notes, the President asserted at his nominating convention in 2004, ''I believe in the transformational power of liberty . . . the wisest use of American strength is to advance freedom.''

But as he points out, this high-minded statement of purpose bears very little relation to the Bush foreign policy in reality.

Mr. Hiatt clearly documents the President's high tolerance for wholly undemocratic actions by foreign nations as long as they are compliant with American foreign policy in other regards. Indeed, as he notes, the only two examples that can be cited by the President's defenders in which the goal of promoting democracy has played a role are Afghanistan and Iraq. And these examples in no way bear out the claim that the President has made the advancement of democracy a central part of his foreign policy—or even a peripheral one.

In Iraq, the President advanced the notion of promoting democracy to explain his decision to go to war only after his preferred political explanations—the tie between Iraq and September 11th and the presence of weapons of mass destruction—were rebutted. Democracy here was a rationalization constructed to justify a policy that clearly had other goals, and then only after alternative explanations were refuted.

It is true that the results of the American intervention in Afghanistan will certainly be a far more democratic Afghanistan, and I welcome that. But here too it should be noted that the President's approach was to first ask the repressive and brutal Taliban to surrender Osama bin Laden to us, and only after that government refused to do that did we invade. Democracy in Afghanistan will be a happy by-product of our war, but it was not the motivating factor.

Beyond that, as Mr. Hiatt makes clear, there is not an area in the world in which promotion of democracy has been an important part of the Bush foreign policy. To quote Mr. Hiatt, ''in Bush's first term, democracy promotion seemed to be the policy mostly when it was convenient . . .''

I agree with Mr. Hiatt that it is not axiomatic that the promotion of democracy should be the single or even the most important goal of American foreign policy in every instance. But what is—or at least ought to be—clear is that a President should not claim a moral basis for his foreign policy which in no way corresponds to reality.

Mr. Speaker, with Colin Powell no longer serving as a diversion without real policy influence, and with the experience we have had with the Administration's inaccurate claims about weapons of mass destruction, I hope that the Administration's actual foreign policy will receive a good deal more scrutiny than it has in the past. Mr. Hiatt's column is a good beginning in that effort. I ask that it be printed here.

[From the Washington Post, Nov. 15, 2004]

A FOREIGN POLICY TO MATCH BUSH'S RHETORIC?

(By Fred Hiatt)

In an interview last spring, Sen. John F. Kerry made clear that promoting democracy abroad would not be a priority of his presidency. Of course he believed in freedom and human rights, but in every country there seemed to be a goal that would rank higher for him in importance: securing nuclear materials in Russia, fighting terrorism alongside Saudi Arabia, pursuing Middle East peace with Egypt, controlling Pakistan's nuclear program, integrating China into the world economy.

Kerry's ostensibly pragmatic approach alarmed some idealists in his own party and allowed George W. Bush to claim the high moral ground of foreign policy. ''I believe in the transformational power of liberty,'' Bush declared as he accepted his party's nomination for the second time. ''The wisest use of American strength is to advance freedom.''

But here's the irony: Kerry's recital of priorities around the world was a pretty fair description of Bush's first-term record. An interesting second-term question will be whether the president reshapes his policy to match his rhetoric: whether he really believes that democracy abroad is in the U.S. national interest. There are, after all, plenty of smart foreign policy experts who doubt that proposition.

In 2000 Bush did not campaign on a liberty platform, and even after his oratory began to soar, his policies didn't change much. In Afghanistan and Iraq, democracy evolved gradually into a central goal of post-invasion U.S. policy. But in the rest of the world there seemed—just as for Kerry—to be higher priorities.

The administration counted its management of relations with China and Russia as a major first-term success, for example, marked by stability and cooperation in fighting terrorism. The fact that China was chewing away on Hong Kong's freedoms, and continuing to lock up its own dissidents, journalists and priests, didn't get in the way. The stunning rollback of freedoms in Russia didn't seem to bother Bush either.

Smaller countries offered a similar picture. Bush welcomed Thailand's autocratic leader as a comrade in the war on terrorism even as democracy there eroded. Under congressional pressure, the administration rapped the knuckles of Uzbekistan's torturers, but not so hard as to interfere with a budding military relationship. Azerbaijan's longtime communist strongman bequeathed power to his ill-prepared son, but that was okay; Azebaijan is rich in oil and gas. Pakistan's strongman broke repeated promises to return his country to civilian rule, but he was too valuable an ally against al Qaeda for the administration to object. And so on, around the world.

The choices Bush made weren't evil, and they didn't mean that, all things being equal, he wouldn't prefer to encourage democracy. The United States was attacked, and it needed basing rights in Uzbekistan to retaliate. Its economy needs Azeri oil, and Venezuelan oil, and all kinds of other undemocratic oil. The alternative to the general running Pakistan might be a lot worse—a fundamentalist Islamic regime with nuclear weapons, for instance.

So there were strong arguments for maintaining good relations with all of these autocrats. But that's the point; there will always be countervailing arguments. If you think democracy is just a secondary, wouldn't-it-be-nice objective—if you don't think raw national interest is served by spreading freedom abroad—liberty will always rank below some mother, legitimate priority.

You might understand if Bush felt that way. After all, it was democratically elected leaders in France and Germany who caused him the most first-term heartburn. Many experienced diplomats, including senior officials of the Bush administration, believe it's more important to appeal to the national interest of a Russia or an Egypt than to worry about how those nations are governed.

But Bush says he is convinced of the opposite view: that America will actually be safer if more countries become democratic. ''As freedom advances, heart by heart, and nation by nation, America will be more secure and the world more peaceful,'' he argued in that same convention address.

Such a belief translated into policy would not mean that liberty would automatically and always take precedence over basing rights, counterterrorism cooperation or smooth trade relations. But in Bush's first term, democracy promotion seemed to be the policy mostly when it was convenient: in Palestine, where it allowed him to avoid confrontation with Israel's leader; in Cuba, where it allowed him to win votes in Florida. If you see him in the next four years risking other U.S. interests to champion liberty where it is not so convenient, then you will know he meant what he said on the campaign trail.

ZION LUTHERAN CHURCH, NAPERVILLE, ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the members of Zion Lutheran Church in Naperville, Illinois on the 150th anniversary of the founding of their outstanding institution.

Established in the difficult years leading up to the Civil War, Zion Lutheran Church has well withstood the test of time. Through the Great Depression, a closed school, a devastating fire, and other trials, the dedication and determination of its members have triumphed. Generation after generation, they have shown their unswerving commitment to faith, family and community.

The countless and varied contributions of the members of Zion Lutheran have played a vital role in making the Village of Naperville, Illinois a great place to live and raise families. Over the past century and a half, their selfless community service has touched the lives of so many, especially children.

Zion Lutheran Church is more than just a place of worship. It is a community with a strong tradition of service, faith, and values.

Today, we all share in their joy as they celebrate 150 wonderful years. The world is a better place because of the people of Zion Lutheran Church, and the residents of Naperville and the 13th Congressional District are fortunate to count them as our friends and neighbors.

I am happy to wish Zion Lutheran Church all the best for continued success in their good work. May the next 150 years be as great a blessing as the first.

HONORING LANCE CPL JOSEPH WELKE

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of Lance Cpl. Joseph Welke who died November 20, 2004 from wounds suffered while serving in Operation Iraqi Freedom during the battle for Fallujah.

Joseph, who was a Greater Dakota All-Conference football player, graduated from Stevens High School in Rapid City, South Dakota in 2003. He enlisted in the Marines soon after graduation, and was assigned to the Marine Corps base camp in Pendleton, California. He was a member of the 1st Marine Division, 1st Marine Expeditionary Force and was deployed to Iraq this past June.

Joseph dreamed of playing college football, but put those plans on hold to join the Marines and serve his country. He is described as an individual who was self-motivated and liked by everyone who knew him. Joseph's family believes his smile said it all. His mother explained that her son seldom got punished, even when he did something wrong, just because of his smile. He was committed to and gave one hundred percent to everything he

did—including football, the Marines, and his family.

Every member of the House of Representatives has taken a solemn oath to defend the constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Lance Cpl. Joseph Welke lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Joseph's compassion and service. Joseph, who represented the best of the United States, South Dakota, and the Marines continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

I join with all South Dakotans in expressing my sympathies to the family of Lance Cpl. Joseph Welke. His commitment to and sacrifice for our Nation will never be forgotten.

TRIBUTE TO RICK RIDDER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. UDALL of Colorado. Mr. Speaker, I have used this forum from time to time to acknowledge the bipartisan public service of many distinguished Coloradans. Today I rise in what I hope will be a moment my Republican friends and colleagues will not begrudge—to honor a distinguished Coloradan who is anything but bipartisan. I rise to acknowledge Rick Ridder.

Rick has been a trusted advisor and friend throughout my career in politics. Although Rick is respected and widely sought after in Colorado politics, he has never lost his down-to-earth nature. This is because he is the rarest of political partisans—a determined strategist who keeps his humanity intact. He understands the game of politics well and he most certainly plays to win. At the same time he is unwavering in his integrity and his sincere desire to work for the betterment of people.

Rick has never been particularly impressed with the ''glitter'' of politics that attracts so many to our profession. Rather, he believes at his core in the importance of our democracy and his duty to fight for its vitality. This should come as no surprise to anyone familiar with his upbringing. By way of example, his mother took him to an Adlai Stevenson rally at the age of three. To occupy her little boy, she suggested that he pass out flyers promoting the Illinois Governor's bid for the presidency in 1956. In addition, having grown up in and around Washington, DC his playmates included the children of Robert Kennedy and Eugene McCarthy. Whereas many of our generation looked at those men as heroes and even icons of a generation, Rick saw them simply as his friends' dads.

Had he a different character this upbringing might have led Rick to a sense of entitlement, but instead, it gave him a razor sharp sense of purpose. He uses his unique experience in politics to serve a goal greater than his own self-interest. He has worked tirelessly to that effect for decades.

In 1982, he helped Colorado Governor Richard Lamm with his third gubernatorial campaign. He went on to become the National Field Director for Gary Hart's 1984 presidential campaign. In 1985 with his wife Joan, he formed Ridder-Braden Inc., a political consulting and polling firm that has been instrumental in crafting campaigns in Colorado and across the country. His clients have included Colorado Governor Roy Romer, Congressman David Skaggs, Senator BEN NIGHTHORSE CAMPBELL and various Members of Congress. In 2004 he helped launch the meteoric rise of Governor Howard Dean, and a provocative ballot initiative on reform of the Electoral College that made a significant contribution to the public debate on a largely over-looked, but critical, component of our democratic process.

While many political consultants are rightly maligned as ''hired guns'' who corrode public confidence in the political process, professionals like Rick Ridder and Joanie Braden are rare examples of people who work to elevate public discourse and improve our democracy.

For the information of my colleagues I'm attaching the original article.

[From the Rocky Mountain News, Oct. 29, 2004]

CONSULTANT RIDDER SAYS MEASURE IS ABOUT STRONGER DEMOCRACY

(By James B. Meadow)

Joanie Braden was deep into labor, nearing the delivery of her child, when she noticed something that years later would strike her as both odd and normal.

Right next to her bed, there was her husband, the father of the child, diligently checking his wristwatch so he could time the intervals between contractions. And, simultaneously, right next to her bed, the same man was diligently talking long-distance on the phone, processing voter pattern information from key precincts in the 1984 Oregon presidential primary.

''As Rick was doing that,'' says Braden, laughing, ''I remember him acting as if it was the most natural thing in the world. He was there for me; he was there for the campaign.''

Happily, both labors—natal and political—paid off for Rick Ridder. Nathaniel Ridder arrived pink and healthy; Gary Hart took Oregon.

Given this, it's no surprise to learn that ''Rick absolutely loves politics . . . he lives and breathes politics.'' At least that's the opinion of Tom Strickland, who hired Ridder for his two cracks at one of Colorado's U.S. Senate seats.

Although Strickland came away 0-for-2, his respect for Ridder remains resolute.

''Rick has a gifted political mind,'' says Strickland. ''He may be very understated and unassuming—he's like a political version of Columbo, lulling you into thinking he's not following you—but he's really a couple of steps ahead all the time.''

He better be.

As Election Day draws closer, Ridder's campaign for Amendment 36 is taking on water. The controversial measure, which would revamp Colorado's electoral votes system, replacing the current winner-take-all setup with one that awards the electoral votes proportionally, based on popular vote, has drawn national attention.

Republicans have decried it as a not-so-sneaky way to siphon votes from George W. Bush. Not all Democrats are for it, either.

And 36's proponents?

Well, one of them claims it's more representative, makes everybody's vote count equally. Furthermore, ''It's the right thing to do in order to create a stronger democracy. The system we installed for democratic rule in Afghanistan did not include an Electoral College, did it?''

Those words come courtesy of Ridder, who's heading up the pro–36 fight. But words—to say nothing of a reported $700,000—might not be enough to win. Although Ridder's side was ahead early on, a Rocky Mountain News/News 4 poll released today shows the measure sinking 60–32.

Those numbers prompted one political observer to refer to Amendment 36 as ''toast.''

Ridder's reaction to the new poll numbers was cautious. ''I think that one of the real issues that we're bringing forth in this campaign is the importance of making votes count—one person, one vote. And it is clear that we have started a debate on the issue, particularly on the Electoral College.''

Earlier, in a previous interview, he acknowledged his base optimism. ''You have to believe that change is possible and that what you fight for can come about.''

Although there is passion in his voice, it is tamed by a reflexive calm and control.

He is 51, has thinning hair, and his 6–foot–1, 150–pound frame gives him a slightly Ichabod Crane air.

A scion of the Knight-Ridder newspaper family, Victor Frank Ridder II was immersed in politics before, well, almost before he was tall enough to be immersed in anything. When he was 3, his mother was attending a rally for Adlai Stevenson. To occupy her son, she had him handing out leaflets for the Illinois governor who was bidding for the presidency in 1956.

The political theme stayed strong in his life, perhaps in part because growing up in and around Washington, D.C., brought him into contact with playmates who were the children of Robert Kennedy and Eugene McCarthy.

After taking a year off between high school and college to toil on behalf of George McGovern's 1972 stab at the presidency, he returned to academe and graduated from Middlebury College in Vermont and earned a masters in broadcasting from Boston University.

As he was getting ready to start his Ph.D. in communications, he decided instead to defer his studies and work on Hart's 1980 reelection as U.S. senator in Colorado.

In 1982, he returned to Colorado to help with Richard Lamm's third gubernatorial campaign. He then became national field director for Hart's 1984 presidential campaign.

By then, Braden and Ridder, married in 1981, had decided Colorado was the place to raise a family and were ensconced in Denver. In 1985, Ridder-Braden Inc., a political consulting and polling firm, was born.

Over the years, Ridder compiled an impressive—and wholly Democratic—political resume. He worked on all three of Roy Romer's gubernatorial campaigns, as well as for numerous congressional candidates.

Many campaigns later, in November 2002, Ridder surprised the political world when he took on the job of campaign manager for Howard Dean's fledgling presidential run. By April 2003, however, Ridder was gone from the campaign, a victim of infighting and his disinclination to work for a ''movement'' rather than a candidate.

Although Ridder points to his leap of faith with the Dean campaign as proof that he takes chances, others aren't so sure. One competitor says that Ridder's strength has to do more with ''analysis behind the scenes'' than being a ''big picture guy or a risk taker.''

Ridder, unflappable as usual, takes the comments and criticisms in stride. He's not only heard the personal remarks before, he's aware of the digs against his profession. ''There is a wariness of the political consultant industry,'' he says. ''People don't like the perception that they're being manipulated.''

Ridder insists this isn't the case. As he once said, ''The best we can do is take the positive aspects of our candidate or cause and emphasize them. We can't take Adolf Hitler and make him Mahatma Gandhi.''

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SHAYS. Mr. Speaker, I strongly support H.R. 4818 and salute Chairman KOLBE and Ranking Member LOWEY in their efforts to bring this important measure forward.

Mr. Speaker, the foreign operations bill is a critical funding measure that allows the United States to engage and uplift the world's poorest citizens. The United States Agency for International Development (USAID), the Department of State, the Department of Agriculture and now the established Millennium Challenge Corporation, should be proud of the work they do in partnership with American charitable organizations and various national governments around the globe to alleviate poverty and ease hardship. USAID effectively partners with several organizations based in Connecticut's Fourth Congressional District such as TechnoServe based in Norwalk, Save the Children, based in Westport and AmeriCares, based in Stamford.

TechnoServe's mission is quite simple; it provides hardworking men and women in the developing world with the tools and the means to participate in and benefit from the global economy. In partnership with USAID, the Department of State, USDA and some of the world's most respected corporations, TechnoServe is helping entrepreneurs build businesses that create real economic growth.

TechnoServe helps entrepreneurs build solid businesses that produce quality products for local, regional and international markets. These businesses provide jobs and raise incomes especially in the agricultural sectors of rural communities.

I am also grateful to have Save the Children headquartered in the Fourth Congressional district. Save the Children works tirelessly to provide hope to children in need across the world. The organization's ambitious mission calls its workers to service in the areas of education, HIV/AIDS treatment and prevention, women and children's health, economic development, combating hunger, and assisting refugees. Save the Children also produces excellent reports, which my staff and I use to better assess living conditions for women and children across the globe.

I am also grateful for the important work of AmeriCares, which provides disaster relief, humanitarian aid and is equipped to immediately respond to emergency medical needs for people all around the world. AmeriCares solicits donations of medicines and other relief materials from U.S. and international manufacturers and delivers them quickly and efficiently to indigenous health care and welfare professionals around the world.

Mr. Speaker, the foreign operations bill is a vital funding component of our presence in the developing world and a bill that will truly save lives and build hope for the future. I salute those in the United States government who are involved in humanitarian and development activities and am grateful for the opportunity to highlight the work of organization's like TechnoServe, Save the Children and AmeriCares as this measure moves to final passage.

THE CASE FOR RESTRAINT IN IRAN

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. LEACH. Mr. Speaker, there are few areas of the world with a more troubling mix of geopolitical problems than the Middle East. The irony is that the war in Iraq which has consumed so much of our country's political and economic capital may hold less far-reaching consequences than challenges posed in neighboring Middle Eastern countries.

To the West, the Israeli-Palestinian stand-off remains the sorest point in world relations, although new opportunities for reconciliation between the two sides have presented themselves in the wake of Yasser Arafat's passing. To the East, the sobering prospect of Iran joining the nuclear club stands out.

It is this East of Baghdad trauma that I wish to address this afternoon.

In life, individuals and countries sometimes face circumstances in which all judgments and options are bad. The Iranian dilemma is a case-in-point. But it is more than just an abstract bad option model because at issue are nuclear weapons in the hands of a mullah-controlled society which has actively aided and abetted regional terrorists for years.

In reference to recent disclosures of enhanced Iranian efforts to develop nuclear weapons as well as missile delivery systems to carry such weapons, concerned outside parties are actively reviewing options.

The Europeans have led with diplomatic entreaties; the Israelis, with requests for the provision by the United States of sophisticated bunker-busting bombs; American policy-makers, with open-option planning, with neo-con muscularity being the principal reported theme.

In the background are references to the 1981 preemptive strike by the Israeli Air Force against Iraq's Osirak reactor.

At issue is the question of whether preemption is justified; if so, how it should be carried out; and, if carried out, whether intervention would lead to a more conciliatory, non-nuclear Iran or whether the effects of military action would be short-term, perhaps pushing back nuclear development a year or two, but precipitating a new level of hostility against the United States and Israel in Iran and the rest of the Muslim world which could continue for decades, if not centuries.

Since the American hostage crisis which so bedeviled the Carter administration in the late 1970s, we have had a policy of economic sanctions coupled with comprehensive efforts to politically isolate Iran.

Four years ago, Senator ARLEN SPECTER and I invited Iran's U.N. Ambassador to Capitol Hill, the first visit to Washington by a high-level Iranian representative since the hostage crisis.

On the subject of possible movement toward normalization of relations with Iran, I told the ambassador that while many would like to see a warming of relations, it would be inconceivable for the United States to consider normalizing our relationship so long as Iran continued its support of Hamas and Hezbollah. The ambassador forthrightly acknowledged that Iran provided help to both these terrorist organizations, but also noted, in what was the most optimistic thing he said that day, that his government was prepared to cease support to anti-Israeli terrorist groups the moment a Palestinian state was established with borders acceptable to Palestinians.

For decades in the Muslim world, debate has been on-going whether to embrace a credible two state (Israel and Palestine) approach or advance an irrevocable push-Israel-to-the-sea agenda.

The implicit Iranian position, as articulated by the ambassador, is support for a two-state approach, but if the United States on its own, or Israel as a perceived surrogate, were to attack Iran, the possibility that such a compromise can ever become possible deteriorates.

While angst-ridden, the Muslim world understands the rationale for our intervention in Afghanistan where the plotting for the 9/11 attack on the United States occurred. It has no sympathy for our engagement in Iraq, which had nothing to do with 9/11, but if these two interventions were followed by a third in Iran, the likelihood is that such would be perceived in the vocabulary of the Harvard historian, Samuel Huntington, as an all-out ''clash of civilizations,'' pitting the Judeo-Christian against the Muslim world. In the Middle East it would be considered a war of choice precipitated by the United States. We might want it to be seen as a short-term action to halt the spread of nuclear weapons, but the Muslim world would more likely view it as a continuance of the Crusades: a religious conflict of centuries' dimensions, with a revived future.

If military action is deemed necessary, the United States broadly has only three tactical options: (a) Full scale invasion a la Iraq; (b) surgical strikes of Iranian nuclear and missile installations; or (c) a surrogate strike by Israel, modeled along the lines of Osirak.

The first can be described as manifestly more difficult than our engagement in Iraq, particularly a post-conflict occupation. The second presents a number of difficulties, including the comprehensiveness of such a strike and the question of whether all aspects of a program that is clandestine can be eliminated. The third makes the United States accountable for Israeli actions, which themselves are likely to be more physically destructive but less effective than the 1981 strike against Osirak.

In thinking through the consequences of military action, even if projected to be successfully carried out, policymakers must put themselves in the place of a potential adversary. A strike that merely buys time may also

be a strike that changes the manner and rationale of Iranian support for terrorist organizations. It may also change the geo-strategic reason for a country like Iran to garner control of nuclear weapons.

It is presumed that the major reasons that Iran currently seeks nuclear weapons relates to: (1) Pride: a belief that a 5,000-year-old society has as much right to control the most modern of weapons systems as a younger civilization like America or its neighbors to the west, Israel, and to the east, Pakistan; (2) power: the implications of control of nuclear weapons with regard to its perceived hegemony as the largest and most powerful country in the Persian Gulf, particularly with regard to its nemesis, Iraq, which not only once attacked Kuwait, but Iran itself using chemical weapons; and (3) politics: the concern that Israeli military dominance is based in part on the control of weapons that cannot be balanced in the Muslim world, except by a very distant Pakistan.

The issue of the day from an American perspective is weapons of mass destruction (WMD), their development and potential proliferation to nation-states and non-national terrorist groups. The question that cannot be ducked is whether military action against Iran might add to the list of reasons Iran may wish to control such weapons: their potential use against the United States. Perhaps as significantly, American policymakers must think through the new world of terrorism and what might be described as lesser weapons of mass destruction, which might be dubbed, ''LWMD.''

Any strike on Iran would be expected to immediately precipitate a violent reaction in the Shi'a part of Iraq, where the United States has some support today. With ease, Iranian influence on the majority Shi'a of Iraq could make our ability to constructively influence the direction of change in Iraq near hopeless.

And there should be little doubt that in a world in which ''tit for tat'' is the norm, a strike on Iran would increase the prospect of counter-strikes on American assets around the world and American territory itself. The asymmetrical nature of modern warfare is such that traditional armies will not be challenged in traditional ways. Nation-states which are attacked may feel they have little option except to ally themselves with terrorist groups to advance national interests.

We view terrorism as an illegitimate tool of uncivilized agents of change. In other parts of the world, increasing numbers of people view terrorist acts as legitimate responses of societies and, in some cases, groups within societies who are oppressed, against those who have stronger military forces.

If Afghanistan, an impoverished country as distant from our shores as any in the world, could become a plotting place for international terrorism, such danger would increase manifoldly with an increase in Iranian hostility, especially if based on an American attack.

If there exists today something like a one-in-three chance of another 9/11-type incident or set of incidents in the United States in the next few years, a preemptive strike against Iran must be assumed to increase the prospect to two-in-three.

And Iran, far more than Osama bin-Laden, has within its power the ability not only to destabilize world politics, but world economies as well. Oil is, after all, the grease of economic activity, and a devastating Iranian-led cutback in supply cannot be ruled out.

Given the risk, if not the untenability, of military action, policymakers are obligated to review other than military options. One, which has characterized our post-hostage taking Iranian policy for a full generation, is isolation of Iran. This policy can be continued, but as tempting as it is, there is little prospect of ratcheting it up much more, except in ways, such as a naval embargo on Iranian oil, that would be difficult to garner international support for and would, in any regard, damage us more than Iran.

The only logical alternative is to consider advancing carrots, without abandoning the possibility of future sticks, and increase our dialogue with this very difficult government.

A proposal that might be suggested is negotiation of a Persian Gulf nuclear-free zone, which would reduce, although given the high possibility of cheating, not eliminate entirely one of the reasons Iran presumably seeks nuclear weapons—fear that it may be at a disadvantage in a conflict with an oil-rich neighbor. In return, America could offer not only normalization of relations in trade but the prospect of a free trade agreement and expanded country-to-country cultural ties with Iran.

Here, it should be stressed, hundreds of thousands of Iranians have been educated in the United States. The country has strong democratic proclivities. While the apparatus of democratic governance is extensive, real power is controlled by the mullahs. Nevertheless, few societies in the world have more potential to move quickly in a democratic direction than Iran. And just as it is hard to believe that outside military intervention would lead to anything except greater ensconcement of authoritarian mullah rule, the prospect of a bettering of U.S. relations with Iran implies a greater prospect of a better Iranian society.

Finally, a note about arms control. If the United States wishes to lead in multilateral restraint, we might want to consider joining rather than rebuking the international community in development of a comprehensive test ban (CTB). All American administrations from Eisenhower on favored negotiation of a CTB. This one has taken the position the Senate took when it irrationally rejected such a ban 5 years ago. The Senate took its angst against the strategic leadership of the Clinton administration out on the wrong issue. This partisan, ideological posturing demands reconsideration. We simply cannot expect others to restrain themselves when we refuse to put constraints on ourselves.

We are in a world where use of force can not be ruled out. But we are also in a world where alternatives are vastly preferable. They must be put forthrightly on the table.

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 115, Continuing Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11847–S11855

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 115, making further continuing appropriations for the fiscal year 2005, clearing the measure for the President. **Page S11847**

District of Columbia College Access Act Amendment: Senate passed H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act, after agreeing to the following amendments proposed thereto: **Pages S11847–48**

McConnell (for Voinovich) Amendment No. 4080, to amend the title. **Page S11848**

McConnell (for Voinovich) Amendment No. 4081, to reduce extension to 2 years. **Page S11848**

Adjournment Resolution: Senate concurred in the amendments of the House to the Senate amendment to H. Con. Res. 529, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S11847**

Messages From the House: **Page S11854**

Enrolled Bills Presented: **Pages S11954–55**

Additional Cosponsors: **Page S11855**

Amendments Submitted: **Page S11855**

Adjournment: Senate convened at 5 p.m. and adjourned at 5:06 p.m, on Wednesday, November 24, 2004, until 9:30 a.m., on Tuesday, December 7, 2004, in accordance with the provisions of H. Con. Res. 529. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11855.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 1 public bill, H.R. 5422; 1 private bill, H.R. 5423; and 1 resolution, H.J. Res. 115, were introduced. **Pages H10894–95**

Additional Cosponsors: **Page H10895**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia to act as Speaker Pro Tempore for today. **Page H10889**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of today and on Wednesday, December 8, 2004. **Page H10890**

Continuing Appropriations for FY05: The House agreed to H.J. Res. 115, making further continuing appropriations for the fiscal year 2005. **Pages H10890–93**

Adjournment Resolution Amendment: The House agreed to amend the Senate amendment to H. Con. Res. 529, providing for the conditional adjournment of the House and conditional adjournment or recess of the Senate. **Page H10893**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to H. Con. Res. 529, in which case the House shall stand adjourned pursuant to the concurrent resolution. **Page H10893**

Senate Message: Message received from the Senate appears on page H10889.

Senate Referrals: S. 2866 was referred to the Committee on Agriculture; S. 3028 was referred to the Committees on Energy and Commerce and Judiciary; S. 423, S. 2488, S. 2635, S. 2657, S. 3021, S. 3027, and S.J. Res. 42 were held at the desk. **Page H10894**

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 2:41 p.m.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1072)*

S. 2986, to amend title 31 of the United States Code to increase the public debt limit. (Public Law 108–415)

H.J. Res. 114, making further continuing appropriations for the fiscal year 2005 (Public Law 108–416).

Next Meeting of the SENATE

9:30 a.m., Tuesday, December 7

Senate Chamber

Program for Tuesday: Senate will be in a period of morning business. Also, Senate may begin consideration of the National Intelligence Reform Conference Report.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, December 6

House Chamber

Program for Monday, December 6: To be announced.

Extensions of Remarks, as inserted in this issue

Congressional Record

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